

England. [Treaties, etc. - I.]

A

Compleat Collection

Of all the

ARTICLES

AND

CLAUSES

Which relate to the

MARINE,

In the Several

TREATIES

Now subsisting between *Great-Britain*,
and other Kingdoms and States.

To which is prefixed

A Preface, or Introductory Discourse:

SHEWING

The True FORCE, EXTENT, DESIGN, and
MEANING, of the Principal ARTICLES
in each TREATY.

LONDON:

Printed for H. WHITRIDGE under the
Royal-Exchange. MDCCLX.

Complete Collection

Of all the

ARTICLES

AND

GLASSES



MARKS

In the Second

VOLUME

now published between Great Britain
and other Kingdoms and States

A Series of Introductory Discourses

to the Forces of the British Empire
by the Rev. J. H. Sturt

LONDON

Printed by W. Sturt and Co. in the Strand
and by J. H. Sturt in the City

P R E F A C E,

O R

Introductory Discourse.

SEVERAL very interesting Events in the present maritime War, have brought clearly before our Eyes the Importance of the following Extracts from the marine Treaties, and must needs have convinced every Person concerned in Commerce and Navigation, of the Necessity incumbent on him, to be acquainted with the Force and Extent of the Articles contained therein. The Use of them to the Commanders in the Royal Navy has been long observed; so that the Lords of the Admiralty have taken Care to print them for that Purpose, from Time to Time, with such Alterations and Additions as were made by succeeding Treaties. But these Copies in Quarto are reserved solely for the Use of such Commanders, and distributed to them alone, exclusive of all other Persons whatever. It was presumed, therefore, that an Edition of them, reduced, as this is, to an easy Price, would be no unacceptable present to the Publick, especially as it comes attended with some Remarks, which are conceived to be necessary for the right understanding of them, and which are not to be found in the Quarto Book.

The Want of some such Kind of Comment, as it may be fitly called, has been very sensibly felt of late, in regard to one of these Treaties with the *Dutch*: this shall be considered in it's proper Place. The Method of the present Collection directs us to begin with those between *England* and *France*. At the Head of which, the famous Treaty of Commerce, concluded at *Utrecht* in 1713, stands as still subsisting, since it has not been made void by any subsequent Treaty. Yet it imports to know, that as some Articles, particularly the IXth, could not, by the express Tenor of them, take Place without an Act of Parliament, and no such Act being ever passed; the *French*, notwithstanding these Articles as well as the rest were signed by the Plenipotentiaries on both Sides, shew little or no Regard to any of them, making this Defect in some, a Pretence, as it suits their Interest, to reject the whole. It is not our Business at present to enter into the Merits of this Affair: By turning to the Remark at the End of the Supplement to this Treaty *, the Reader will find, that it was not confirmed by that of *Aix la Chapelle*; whence it follows, that by the Treaty of *Utrecht* in 1713, which is confirmed in the IIIrd Article of the Treaty at *Aix la Chapelle*, can only be meant the Treaty of Peace and Friendship.

It may well be thought not a little astonishing, how it should come to pass, that a solemn Treaty, signed in due Form by all the *British* Plenipotentiaries, under the Direction of the Ministry, should escape a Ratification, in such

* In p. 246.

Articles as required it, by a *British* Parliament, while the same Ministry continued. This Miscarriage was entirely owing to the mal-Formation of the Treaty itself, which happened to be so unluckily tempered, as to please neither of the contracting Parties; and on our Side, the Cry against it grew so loud, that the Ministry found their utmost Efforts, to sway the Parliament in it's Favour, utterly baffled. Lord *Bolingbroke*, who, 'tis well known, had the Direction and Management of this whole Affair, ingenuously owns, that this Peace, in general, was less answerable to the Success of the War, than it might, and ought to have been; that it was driven forward by the Zeal of particular Men, in their several Provinces, though they were not backed by the concurrent Force of the whole Administration, nor had the common Helps of Advice 'till it was too late, 'till the very End of the Negotiations; even in Matters, such as that of *Commerce*, which they could not be supposed to understand; that when it was laid before the Parliament, some even of the Ministry grew nice about the Construction of the Articles, and could come up to no direct Approbation: so that " the very Work, says he, which ought " to have been the Basis of our Strength, was " in Part demolished before our Eyes, and we " were stoned with the Ruins of it *." The weak and unsettled Condition of the Duke of *Orleans*, who had usurped the sole Regency of *France*, contrary to the Establishment made by *Lewis XIV.* just before his Death, opened an Opportunity of mending this Matter by a

* Lord *Bolingbroke's* Letter to Sir *W. Wyndham*.

new Treaty; but that was neglected by our succeeding Ministry: And having thus once passed the Season, when it was in our Power, we never found another to repair the Fault. This, in the Course of Events, became out of our Power, and the unhappy State of our Affairs at the Treaty of *Aix la Chapelle*, turned up the Reverse of that Face which had been seen at *Utrecht*. In 1748, the Treaty of Commerce was never mentioned, as if grown obsolete; a Sort of tacit Acknowledgment of that Right which the *French* had assumed of rejecting it. All that we then aimed at was, to obtain a Confirmation of the Treaty of Peace; and as this was a Concomitant of the other, we shall now proceed to take it under our Consideration.

This, indeed, is of greater Importance than it's Companion, relating purely to Commerce; of such Importance, as to be made a Basis for all our Treaties since, not only with *France*, but with other Kingdoms and States. And yet some of the most interesting Supulations in this Treaty are so loosely worded, that they gave Rise to those Disputes and Animosities, which proved the Fuel of the present War with *France*.

By the XIIth Article of this Treaty*, His Most Christian Majesty stipulated to yield and make over to our Nation all *Nova-Scotia* or *Acadie*, comprehended within it's ancient Boundaries. This is the Expression, and there needs no Comment to shew it's Ambiguity, without some further Description to ascertain these Boundaries. Hence a Door was left open for the Disputes which followed, and which remain

* Pag. 21,

undecided to this Hour. The *English*, on one Hand, extending these Boundaries northward to the River of *St Lawrence*, westward as far as their own Settlements, and to the Sea on every other Side; while the same Boundaries are confined by the *French* within the narrow Limits of the *Peninsula*, as being particularly called *Acadie*. 'Tis well worth While, on Account of future Negotiations, to mark some of the unhappy Consequences, which flowed from this fatal Neglect, in drawing so momentous a Stipulation: A Neglect which was but ill salved, by the Expedient of referring these ancient Boundaries to be settled and determined by Commissaries, forthwith to be named on each Side; which, in reality, was no better than a Piece of After-Wit, as was found too late on our Side; whilst our Enemies thereby got Time to breathe, to repair the broken State of their Affairs, and revive that all-grasping Spirit, which had been long curbed and kept under by the superior Force of *Marlborough's* Arms.

Whether any Commissaries were appointed, or ever met, is not worth the Trouble of an Enquiry; since it is but too certain, that nothing effectual was done towards a Determination of the Point. On the contrary, four Years afterwards, in 1717, we saw a triple Alliance concluded between *Great-Britain*, *France*, and *Holland*, without the least Mention, much less a Regulation, of this Dispute. We had, indeed, been suffered to keep what we had acquired in the preceding War, viz. Possession of the *Peninsula*, or *Acadie* properly so called. Accordingly, a Governor was appointed, and

sent thither with a Regiment, who obliged the *French* Inhabitants there to submit to our Government, and take the Oaths to his present Majesty after his Accession. Yet, being allowed to continue under Magistrates of their own chusing, they kept a much closer Correspondence with the Governor of *Cape-Breton* than they did with ours; called themselves, and were called by our People, the *Neutral French*; and, as soon as the War broke out with *France*, they took every Opportunity to shew, that they were true and loyal *Frenchmen*; who looked upon the forced Oath they had taken to our King as no way binding the Conscience. However, the continental Part of *Nova-Scotia*, which was the only Part in Dispute, continued in a State of Neutrality 'till the Treaty of *Aix la Chapelle* in 1748: But our Affairs then were so far from being mended, that they grew worse, and even soon became desperate. The same Things were repeated as had passed at *Utrecht*. The Treaty of Peace concluded there, and consequently the XIIth Article of it, was confirmed without any Revision; and all Disputes with *France* left again to be settled in a subsequent Negotiation.

'Tis foreign to our Design, nor indeed have we any Inclination, to set forth the unlucky Turn in our Affairs, which obliged our Ministers to accept of these Terms, though they had sufficient Reason to expect no good Effect from such a Negotiation: and the Behaviour of *France* very soon furnished a convincing Proof, that nothing was to be expected from any Negotiation. 'Tis true, they were actually

set

set on Foot, and the Commissaries on both Sides met, according to the Agreement, at *Paris*. *Great-Britain* likewise soon after sent a Colony, which had been hitherto neglected, to the Peninsula of *Acadie*; a Garrison was built, and the Town of *Hallifax* planned, which presently began to shew itself on the Bay of *Chebuecto*. But in the mean Time, we had no sooner restored the Island of *Cape-Breton* to the *French*, than their Governors in that Island made it their Business to encourage the *Indians* of *Nova-Scotia* to attack our infant Colony, and to murder or captivate such of our People as they met with straggling at any Distance from the Garrison; they were likewise furnished with Arms and Ammunition, and even with *French* Leaders and Directors. This, however, was done privately, in a covert Manner; and when Complaints were made upon this Head, instead of Redress there came evasive Answers, under such Pretences as were every one of them known to be false.

They went more openly to work the next Year, 1749, when a large Body of regular Troops and *Canada* Militia were dispatched by that Governor, to take Post on the Mouth of the River *Chignecto*, where it opens into the Bay of the same Name, and to erect a Fort there; though, when the Commissaries were appointed, it had been expressly agreed, that, during their Negotiation, neither Side should make any new Settlement, or erect any new Fortification, in any of those Parts of *America*, the Right to which was controverted between the two Nations. This Fortification was no sooner finished, on the North Side of *Chignecto* River,

River, than the Design of raising it came into View. The *French* Inhabitants, who were very numerous, and had a large Village upon the South Side of that River, notwithstanding their Oaths of Allegiance, immediately broke out in open Rebellion; inclosed themselves within strong Intrenchments; nor could they be reduced by such of our Troop, as were sent under the Command of Major *Lawrence* for that Purpose; for, being driven from their Intrenchments, they set Fire to their Houses, and, with every Thing that belonged to them, passed over to the other Side of the River, where they were received by their Countryman *M. Corne*, who declared that he would, and did actually, protect them, having drawn up his Troops there for that Purpose. Whereupon, Major *Lawrence* being restrained by his Orders from pursuing them over the River, or attacking their insolent Protectors, was obliged to content himself with raising a Fort at the Bottom of the Bay, upon the South Side of *Chignecto* River, which from him was called *St Lawrence-Fort*.

All this while, the Commissaries continued negotiating at *Paris*, without any proper Notice taken, either of the notorious Infraction of the Neutrality by one Side, or of the religious Observance of it by the other. The Consequence of this profound Silence was, a Resolution of the *French*, to take it for a tacit Acknowledgment of their Right to the whole continental Part of *Nova-Scotia*, lying North of the Bay of *Fundy* and *Chignecto* River. Upon this Principle, besides the last-mentioned Fort at the Mouth of that River, which they called

Beau-

Beau-sejour, they proceeded presently after to erect another upon the East End of the *Isthmus*, at the Bottom of a Bay, called by them *Baie Verte*, or *Green Bay*; by which Means, they made themselves entirely Masters of the *Isthmus*, and thereby kept a Passage open for the *Indians* to pour in from the *Continent* against our Colony in the *Peninsula*. Nor did they rest here, but about the same Time began to erect another Fort at the Mouth of *St John's* River, upon the Bay of *Fundy*; by which they opened a Communication and a Water-Carriage from that Bay, almost quite to the River *St Lawrence*, and very near to *Quebec*.

These bitter Fruits were the direct Produce of suffering the Stipulation, whereby *Nova-Scotia* was ceded to us, to pass in general Terms only, leaving the Boundaries of that Country to be settled by Commissaries afterwards. But the Mischief was not confined within any Boundaries of that Country; the pernicious Consequences of it were presently felt on the *North-West* Borders of *Virginia*, where the same Cause had indeed long before produced the same Effect. By the XVth Article of the same Treaty of *Utrecht*, the *French* had obliged themselves not to give any Hindrance or Molestation to any of the *Indian* Nations, who were then subject to the Dominion of *Great-Britain*, or Friends to the same, without expressly enumerating or describing what Nations these were; which again was left to be done by Commissaries. This Neglect was the more dangerous, as *Lewis XIV.* had made a Grant of the *Mississipi* River to one of his Ministers, *Mr Crouzat*, the preceding Year, 1712; in which

which it was expressly declared, that the Intention of making a Settlement in that Country was, to establish, by Means of the great Lakes of *Canada*, an inland Communication between the Rivers *Mississipi* and *St Lawrence*. And though, upon the Death of *Lewis XIV.* their Affairs were too much embroiled at Home to suffer them to look Abroad for a While; yet, after the Conclusion of the Triple Alliance in 1717, already mentioned, a *Mississipi* Company was established the same Year, and a Colony sent either that or the next Year; by whom the Town of *New Orleans* was planned, and begun to be erected upon the East Side of the *Mississipi*; between which and the River *St Lawrence* they resolved to carry their designed inland Communication, by the Way of the River *Illianois*; from one of the Heads of which there is but a short Land-Carriage, to a River that runs into the great Lake *Michigan*.

But, for the Safety of Passengers by this Route, it was necessary to have a Fort at the great Cataract of *Niagara*, the Country round which was possessed by the *Iroquois*, who would never consent to the erecting such a Fort; and, to compel them to submit, would be a direct Violation of the said XVth Article of the Treaty of *Utrecht*.

However, both these Difficulties were got over, by watching proper Opportunities. After a fruitless Attempt in 1720 or 1721, which was defeated by the *Iroquois*; they compleated their Design in 1725; having, by fair Words and fine Promises, cajoled many of the *Indians* not to oppose them: And so calling them their
Friends

Friends and not ours, by this Means the Stipulation of the Treaty with us was evaded ; and, at the same Time, they sent so strong a Party upon that Service, as the refractory *Indians* not daring to encounter, a Fort of such Strength was erected, and so well provided with Artillery, that the *Indians* of themselves alone could never think of reducing it ; and none of our Governors in *America* were ever impowered to assist them.

This Philosophic Patience on our Part, probably encouraged them to proceed further ; and, having first attempted in vain to make a Settlement in 1726 upon the East Side of the Head of the Lake *Corlaer*, or *Champlain*, as they call it, within the Territory of *Massachusetts's Bay* in *New England* * ; they began another on the West Side of the said Lake, within the Province of *New York*. This succeeded to their Wish ; and, in 1730 or 1731, their Settlement was executed at *Crown-Point*, and the Fort built, which they called *Fort Frederick* ; and which they afterwards made one of the strongest Forts in *America*. This was the bad State of our Affairs in these Parts, when the Treaty commenced at *Aix la Chapelle*. But after we had submitted to that dishonourable Peace, they soon became much worse.

It was well known to the *French*, that the easiest and shortest Way of establishing their designed inland Communication, between the Rivers *Mississipi* and *St Lawrence*, was by the

* They desisted, upon receiving a Message from this Colony, threatening otherwise immediately to attack them.

River *Ohio*, as it is one of the most navigable Rivers in *North-America*, and as the head Branches of it pass very near the Lake *Erie*; but, as almost the whole Country through which this River holds it's Course, being possessed by the Five Nations called *Iroquois*, or else by the *Cherokees*, both of whom were Friends to the *English* long after the Peace of *Utrecht*, the *French* durst not at first think of taking that Route, how much soever they could wish for it; but after this Treaty, and our Submission to the Encroachments in *Nova-Scotia* consequent upon it, they might well begin to think, as they did, that the long wished for Opportunity was come, to make themselves Masters of the River *Ohio*, and thereby establish that just-mentioned short and easy Communication by Water, almost the whole Way from the Mouth of the *Mississipi* to that of *St Lawrence*. For this Purpose they built a Fort upon the South Side of Lake *Erie*, and about fifteen Miles South from thence they built another, upon a navigable River called *Beef* River, one of the Branches of the *Ohio*; by which two Forts, and their Fort at *Niagara*, which they had very much improved, together with a new Fort they had erected at the Conflux of the Rivers *Ohio* and *Wabache*, they compleated their Design; for they might now travel and transport Goods by Water from *Quebec* to *New Orleans*, and back again, without any Land-Carriage, except about ten or fifteen Miles at *Niagara*; in order to avoid the great Cataract in that River; and fifteen Miles from their Fort, upon the South Side of Lake *Erie*, to their Fort upon *Beef*

Beef River; and two or three Portages, of a few Yards only, in order to avoid the Falls or rippling Streams in the two great Rivers *St Lawrence* and *Ohio*.

In the mean Time, on our Side, a Company consisting of some Gentlemen in *Virginia*, and some Merchants in *London*, was established in 1749, by Charter, under the Name of the *Ohio* Company; to which was granted 600000 Acres of Land upon that River. And, in 1751, a Surveyor was sent to lay out these Acres in the best Lands there, and such as were most convenient for the *Indian* Trade. We had been for many Years before possessed of some Settlements in this Country, by the Consent of the *Iroquois Indians*, to whom it belonged; but these *Indians* presently grew jealous of this Company, as likely to become dangerous Rivals in their Trade, and from Friends, as they were at the Time of concluding the Treaty of *Utrecht*, and had continued so ever since, they now sided against us, and went over to the *French*, who failed not to make the most of this Advantage; and being provided with a sufficient Number of regular Troops to drive us out of this Country, the Governor of *Canada* now acquainted our Governors of *New York* and *Pensylvania*, that our *Indian* Traders had encroached on their Territories, by trading with their *Indians*, and that if they did not forbear, he should be obliged to seize them wherever they were found.

This was the first Time, that either Side had pretended to an exclusive Trade with any *Indians*, even those that were declared Friends

or

or Allies of the other: It being expressly stipulated by the XVth Article of the Treaty of *Utrecht*, now under Consideration, " That, " on both Sides, the two Nations should enjoy the full Liberty of going and coming " among the *Indians* of either Side, on Account of Trade: And that the Natives of " the *Indian* Countries should, with the same " Liberty, resort as they pleased to the *British* " and *French* Colonies, for promoting Trade " on the one Side and the other, without any " Molestation or Hinderance, either on the " *British* Subjects or the *French*." These, however, in 1751, put the Menace in Execution, and seized three of our *Indian* Traders, whom they found trading among the *Twigtees*, a numerous Nation, inhabiting the Country westward of the *Ohio*, and next beyond the Country of the *Iroquois*. Notwithstanding these last had again changed Sides, and joined in Friendship with us, when they saw the *French* began to build their two Forts before-mentioned, on the Side of the Lake *Erie*, and upon *Beef* River, in Hopes of having those Forts demolished by us; yet no effectual Notice being taken of this Encroachment on our Side, the *French* after this began to seize and plunder every *British* Trader they found upon any Part of the River *Ohio*; and a Messenger being sent, in 1753, from the Governor of *Virginia*, to the Commander of these two Forts, to summon him to retire, and demand a Reason for his hostile Proceedings, he returned for Answer, " That he knew of no Hostilities " that had been committed; That he could " receive

“ receive no Orders, nor would obey any, but
 “ those of His Most Christian Majesty, or his
 “ Governor of *Canada* : That as the Country
 “ belonged to the King of *France*, no *Eng-*
 “ *lishman* had a Right to trade upon any of it’s
 “ Rivers, and therefore that he would, accord-
 “ ing to his Orders, seize and send Prisoners to
 “ *Canada* every *Englishman* that should attempt
 “ to trade upon the *Ohio*, or any of it’s Branch-
 “ es.” Nor were these vain or empty Threats;
 for all our People were soon after driven from
 their Settlements upon that River, and the
French, early the next Year, built another Fort
 upon it, called *Fort du Quesne*; and, before
 the Expiration of the Year, were joined by the
Indian Inhabitants on the Banks of that River,
 who actually declared War against us*.

All this While, the Negotiations were still
 carried on for settling all Disputes amicably,
 though Mr Shirley, the chief of our Commis-
 saries, had retired from *Paris*, the preceding
 Year, 1753; yet the Ambassadors continued
 at the respective Courts, and by their Means
 we continued to negotiate ’till the Death of the
 Earl of *Albemarle*, our Ambassador at *Paris*,
 which happend there on the twenty-second of
December, 1754. This was followed the next
 Year by an open Rupture between the Na-
 tions, the Events of which produced a Decla-
 ration of the present War on our Side, *May*
 17, 1756.

Thus the Lion was roused at last, and, by
 exerting his natural Strength, he has made his

* This was done in Resentment of a Treaty concluded this
 Year, between our Colonies and the other *Iroquois Indians* who
 had no lands there, to purchase the Estates of them on the
 Banks of that River, without their Consent.

Aggressors sufficiently sensible of their Imprudence in rousing him.

Next to *France* follow the Treaties with *Spain*; among which, the principal are those of 1667 and 1670, both confirmed by the Treaty of Commerce at *Utrecht* in 1713. By the Xth Article of the former it is stipulated, that *British* Ships, sailing towards, or entring into, the Dominions or Ports of the King of *Spain*, shall not be subject to any Visitation or Search *; and the like Favour is granted on both Sides, by the Xth Article of the latter, to Ships forced by Distress, into any of the Places, Harbours, &c. in *America*, which are allowed free Ingress and Egress, without any Molestation or Impediment †. But after the Treaty of *Utrecht*, our *West-India* Traders, especially at *Jamaica*, carrying on an illicit Trade to the *Spanish* Main, for Gold, Silver, and other Commodities, whose Exportation thence was prohibited by the *Spaniard*; this Infraction of the Treaties, after several Years Practice, raised the Indignation of that Court to such a Degree, that, not being able to restrain their own Subjects from joining in it by the severest Punishments, they ordered their *Guarda Costas* to visit and search any of our Ships, which they should find in those Parts, though sailing upon the Ocean, and out of the utmost Limits of the Jurisdiction of their Ports or Coast. These Orders were accordingly executed with Severity, and even with Cruelty, several

* See p. 52, 53.

† See p. 65.

of our trading Vessels being plundered, and some of the Masters barbarously and inhumanly treated.

Hereupon, Complaints being made on our Side, a Negotiation was 'set on Foot, in order to settle the Matter amicably; but this proving ineffectual, Recourse was had to the *ultima ratio Regum*, and we declared War against *Spain* in 1739. The War terminated in the Treaty of *Aix la Chapelle*, in 1748; where, though we obtained a Confirmation of the Treaty of 1670, which had been omitted in all the preceding Treaties, of 1713, 1721, and 1729; yet we were not able to oblige the *Spaniards* to renounce, in a solemn Manner, the Right they claimed to search our Ships in the Seas of *America*, and to seize upon and confiscate them, if they found on Board any *Spanish* Money, or any Goods which they were pleased to call contraband or prohibited. So that the Treaty of 1670 not being confirmed by that of 1750, this Point is left undecided, and we are still negotiating with *Spain* about it.

Some Disputes have also arisen about the true Force and Extent of the XXIst and XXIIId Articles of the Treaty in 1667, which declare in general, " That the Subjects of the two
 " Crowns respectively, shall have Liberty to
 " traffick throughout all Countries, cultivating
 " Peace, Amity, or Neutrality, with either
 " of them; and that the said Liberty shall in
 " no wise be interrupted by any Hindrance or
 " Disturbance whatsoever, by Reason of any
 " Hostility, which may be between either of
 " the said Crowns, and any other King-

"doms *." It has been alledged, that the Liberty here stipulated, fairly extends so far, as to grant a Right to carry freely the Effects of an Enemy; but surely this is stretching the Article beyond it's true Intent and Meaning. The Liberty of Traffick to the Countries of the Enemies of *Great-Britain*, as thus in general stipulated, can be explained to grant to the Subjects of the Crown of *Spain*, no other Right but that of carrying on, without any injurious Molestation or Disturbance, the ordinary Means of Traffick, with their own Produce or Property, on their own Account; provided that in Case of War they do not, under this Pretence, attempt to screen the Effects of the Enemy; and on Condition also, that they carry not any Implements of War, or whatever else, according to the Nature of their respective Situations, or the Circumstances of the Case, may be necessary to such Enemies for their Defence. 'Tis true, this Liberty is no more than what is allowed by the Principles of natural Equity, or the Law of Nations, and consequently, at first Sight, may seem not to require a particular Stipulation. But History will inform us †, that amid the Irregularities of War, the Rules of Equity in this Respect were not always enough regarded, and that many Governments, in Time of War, did often most licentiously disturb, and sometimes prohibit totally, the Commerce of neutral Nations with their Enemies. Hence it

* See p. 56.

† Grotii *Annales & Historiæ de Rebus Belgicis*, lib. iii.

became necessary to fix and determine what was the general Law of Nations, by particular Treaties; and hence it is, that about the middle of the last Century, when the commercial Regulations which now subsist between the *European* Powers first began to be formed, we find Articles, to the same Purpose as these abovementioned in our Treaty with *Spain*, asserting in general a Right to trade unmolested with the Enemies of each other *. These are usually placed among those Articles of general Import, which are commonly first laid down in Treaties †, as the Basis on which the subsequent Stipulations are founded, establishing such Privileges as the Rule alone would not admit. And among the rest, some Nations, we shall see presently ‖, granted mutually to each other, by new and express Articles, the Right of carrying freely the Property of their respective Enemies. These last Articles, therefore, must be considered, as wholly distinct in their Nature from those beforementioned, and in their Meaning totally different. The first are in Affirmance of an old Rule; The last create a new Privilege. Those only confirm a Right, which was determined by the Law of Nations before; These make an Exception to

* So in the Treaty of Commerce between *France* and *Holland*, Art. XXVI, XXVII. Treaty of Commerce between *England* and *Holland*, Feb. 17, 1608, Art. I. and II. Idem, between *England* and *Holland*, Dec. 1, 1674, Art. I. and II. Treaty of Commerce between *England* and *France*, Feb. 24, 1677, Art. I and II.

† See the Treaties referred to in the preceding Note.

‖ In considering the Treaties between *England* and the *States General*.

that Law. Upon the whole then it follows, that by a general Stipulation in Favour of Trade with the Enemies of another Power, such as is made by the XXIst and XXIIId Articles of the Treaty of *Madrid* in 1667, the contracting Parties never intended to imply a Right to carry freely the Effects of that Enemy; and that to establish such a Right, it is necessary to have it expressly mentioned.

By the XVth Article of the Treaty of *Aix la Chapelle* *, it appears, that the Treaty of the *Affiento*, signed at *Madrid*, on the 27th of *March*, 1713, and the Article of the Annual Ship, were confirmed for the four Years, during which the Enjoyment was lost, after the Commencement of the preceding War. But it must be observed, that since the Treaty of *Aix la Chapelle*, the whole *Affiento* Treaty has been made void by that in 1750.

We come now to the Treaties with the *States-General*. Among these it was thought proper to give the first Place to that most important maritime Regulation of 1674, which has lately given Rise, upon Occasion of our present War with *France*, to so warm a Contest between the two most natural Friends in *Europe*, as would apparently have ended in a Rupture, had not some lucky Incidents in the Course of the War hitherto prevented it. By the VIIIth Article of this Treaty it is agreed, we see †, “ That all which shall be found on Board the

* See p. 47.

† In p. 90.

“ Vessels belonging to the Subjects of either
 “ of the contracting Parties, shall be accounted
 “ clear and free, although the whole Lading,
 “ or any Part thereof, shall by just Title of
 “ Property belong to the Enemies of the other,
 “ contraband Goods only excepted.” Here,
 again, as in the Treaty of *Utrecht*, the Dis-
 pute is entirely owing to the general Terms of
 the Stipulation; one Side taking them in their
 full Extent, while the other insists upon such
 Restrictions and Limitations to be put upon
 them, as right Reason and the Nature of
 Things necessarily require. Indeed, the Pri-
 vilege, as it is expressed, is of such prodigious
 Advantage to the *Dutch*, and so very little, if
 any, to *England*, that it is well worth while
 to enquire, how it came to be admitted by an
English Ministry into any Treaty. This En-
 quiry is the more interesting, as it will also
 help to lead us into the true Intent and Purport
 of it.

For the original Springs of this Article, we
 must go as far back as to the Year 1648, when
 the *United Provinces* erected themselves into a
 sovereign State by the Treaty of *Munster* *.
 From this Time the Commercial Provinces
 obtained the Lead among them; whence the
 Interests of Trade became of course the chief
 Object of their Councils; and the Views of
 their Ministers were directed to establish, up-
 on a firm footing, that extensive Traffick,
 which had supported them through all their
 Distresses, and to the Effects of which they

* See Supplement, p. 263.

principally attributed all their Power and Freedom. Among the several Branches of Trade, that of Freightage, or the Carrying-Trade, demanded their Attention above all others; besides being a profitable Branch of Traffick in itself, it was the principal Basis of their naval Power, upon which the Security of the rest depended. This Trade was first taken up by the *Hanse Towns*, who, in the Time of our *Edward III.* and before, were the greatest Freighters in the western Parts of *Europe* *. But the *Dutch* had now long succeeded these *Hanseatic* Traders, and long Possession had furnished them with great Numbers of Ships and Sailors. This was the Effect of an uncommon Parsimony and Industry, the natural Endowments of their People; whence, being contented with small Profits, they were enabled to carry the Manufactures and other Produce of each Country, even cheaper than the Natives themselves could do.

With a People so happily tempered for this Branch of Trade, every patriot Minister must needs be prompted to study how to perpetuate the Monopoly of it to his Country. Accordingly, a Plan was framed to carry it to it's full Extent, in these two Points: First, that no Nation should grant to it's own Natives any Privilege, in Relation to Freightage, which the People of *Holland* should not equally enjoy: And secondly, That in Case of any other Nation's engaging in War, they should enjoy, as Neutrals, the Right of carrying the Property

* Rymer's *Fœdera*, Tom. IV. p. 361.

of it's Enemies unmolested. I need not observe, that these Points once established, would make them entire Masters of all the Commerce of the World. The Number of their Ships and Sailors would be continually increasing; no other Nation besides had more Shipping than what was equal to the Carriage of it's own Manufactures; and even these would by Degrees dwindle away, as the *Dutch* Carriage was found the cheapest. No Wonder then, that we find the Regency of *Holland* labouring, with unabated Perseverance, through every Difficulty that arose, to obtain these two Points. Their great Minister *de Witte*, filled all his Instructions and Dispatches with every Argument and Motive that his active Mind could invent in Support of them *, and even appears willing to give up any temporary Advantage, to gain that, which, once acquired, would prove for Ages an everflowing Spring of Wealth, and consequently of Power too. I repeat it of Power too. Wealth, indeed, might, perhaps, at first be the only Object in their View; yet they could not be ignorant, that Power is the genuine Offspring of Wealth; and I chose to repeat it, since to this well-known Truth, may be fairly ascribed the ill Success of all their Attempts, to carry the first Point, which required an extreme Indolence and Inattention to this Truth in all other Nations.

To enter into a general Detail of their Negotiations on this Head, would be too tedious; let it suffice to relate the Conduct of *France*

* See his Letters printed at the *Hague* in 1722.

and *England* on the Occasion. Not many Years after the abovementioned Treaty of *Munster* in 1648, the Tax of fifty Sous per Ton was laid upon all foreign Shipping, by Mr *Fouquet* *, in *France*, with a View of encouraging and augmenting the Freightage of that Country, in Opposition to the *Dutch*. *Colbert*, the succeeding Minister, continued it; nor were the *Dutch* able to get it taken off in their Favour till the Peace of *Ryswic*, in 1697, when *France* found it necessary to give a larger Vent, by this Means, to her Manufactures. Every one knows the short Duration of the Peace of *Ryswic*, and since that Time she has regulated her Conduct, in remitting or preserving the Tax, as best suited the Interest of her Trade.

The *Dutch*, however, had better Success in the other Point of their Policy, viz. A Right, as Neutrals, of protecting the Effects of an Enemy. One Step towards it was obtained as early as the Year 1646, when, by a temporary Treaty, the neutral Vessel, and all the Effects of a Friend found on Board it, were agreed to be spared. This was confirmed and enlarged by a Declaration of the *French* King in 1651 †, and the Privilege was at length granted in it's full Extent, in the memorable Treaty of Defensive Alliance between the two Nations, in 1662: By the XXXVth Article of which Treaty it is reciprocally agreed, that " All

* This Minister was made Superintendant of the Finances in the Beginning of the Year 1653, and was succeeded by *Colbert* in 1661.

† In *De Witte's* Letters, those from *Bozeel*, in p. 77, 78.

" which

“ which shall be found on Board the Vessels
 “ of either of the contracting Parties, although
 “ the whole or any Part thereof shall belong
 “ to an Enemy, shall be free.” We see the
 Favour was not obtained 'till near twenty Years
 after the first Step had been laid towards it;
 and to obtain it, was one great Part of the
Dutch Ambassador's, Mr *Boreel's*, Employ-
 ment, in his long Embassy at *Paris*; and no
 Doubt the Point was the more industriously
 laboured with *France*, in the View of urging
 it as an Argument to bring *England* to the like
 Compliance.

Here, indeed, lay the greatest Concern of
Holland, as she apprehended this Nation to be
 her chief Rival in Trade. Here, therefore,
 she most exerted her Policy, in Regard to both
 her Maxims. As to the first, the Juncture
 appeared to be favourable enough in 1648,
 and some few Years afterwards. The Igno-
 rance of the *English* Ministers in Point of
 Commerce, and the little Attention which they
 had paid to the Interests of it, had given such
 Advantages to the *Dutch*, that more Vessels of
 that Country were seen in the Ports of our Co-
 lonies, than even of our own. But in 1651,
 there happened an Event, which put us upon
 vindicating the Advantages of our own Industry
 and Produce to ourselves. *England* being lately
 become a Republick as well as *Holland*, by
 such Means, as made it necessary to leave no-
 thing untried for strengthening herself by fo-
 reign Connections, it was natural, in these Cir-
 cumstances, for her to apply first of all to her
 near Neighbour and Sister Republick. Ac-
 cordingly,

cordingly, Mr *Oliver St John* was sent, with *Walter Strickland*, in *March* this Year, to negotiate, not a bare Alliance, but an Union, with *Holland*; such as might render them one Commonwealth. But the *Dutch*, comparing the ill-settled State of the *English* usurped Republick, with their own acknowledged Sovereignty, were so far from accepting the Proposal, that they treated it with Disdain; so that the Envoys returned Home in *July*, not only with a Refusal, but with the Sting of some Insults which had been offered to them by the Rabble at the *Hague*. *St John* was not of a Temper to pocket this Affront; and, as he was one of the ablest Lawyers then in *England*, he projected the Act of Navigation, whereby it was prohibited to import any foreign Commodities, except upon *English* Bottoms, or such as were of the Country from whence the Commodities came; and the Act was passed by the Council of State, on *December 1*, this Year. The *Dutch* were so sensible of it's Consequences, that it was the principal Cause of the ensuing War in 1650 *; in which they were made still more sensible of the very respectable Power of the *English*, which they had despised. At the Negotiations for that Peace which put an End to the War, *De Witte* laboured, with his usual Industry and Acuteness, to procure the Abolition of the Act; but all his Efforts proved fruitless. They who made the Law attended with Vigour to

* In a Manifesto published in 1652, they called it A Vile Act and Order.

the Execution of it, and our succeeding Princes have approved and confirmed it. This was the Fate of their first political Maxim, to enjoy equal Privileges with ourselves in Relation to Freightage.

In the other Point, with a worse Prospect at setting out, they succeeded to the utmost of their Wishes. By a Treaty made between *Henry VII. King of England*, and *Philip Duke of Burgundy*, the Sovereign of the *Low Countries*, it was agreed, that the Subjects of either Prince should not carry, or cause to be carried, by Sea, fraudulently, or under any Pretence whatever, any Goods or Merchandises belonging to the Enemies of the other Prince. And it further stipulated, that in Case the Master of a neutral Vessel shall endeavour, by a false Report, to defraud the Captor of any of his Enemies Effects, he shall be obliged to make good the Loss thereby sustained, by the Forfeiture of as much of his own *; and it appears from *de Witte's Letters*, that the *Dutch* never could obtain the Rule, that free Ships should make free Goods, during the Usurpation and Protectorship of *Cromwell*. On the contrary, upon their Ambassador *Newport's* so often repeated Sollicitation about the Marine Treaty, the Answer given by *England* was, that the Demand of free Ships making free Goods, and protecting their Enemies Property, was very unjust; for which the Reasons then alledged are as strong as any that have been made Use of since †.

* *Intercursus magnus*, in *Ryner's Fœdera*, Vol. XII. p. 585.

† *Aitzema* of the State of Affairs and of War, under the year 1656.

After

After the Restoration, the *Dutch*, in Consequence of the Treaty with *France* in 1662, wherein that Kingdom had ceded this favourite Point to them, entered into a defensive Alliance, and joined *France* in the War against *England* the ensuing Year. That War terminated in a Treaty of Peace at *Breda*, dated July 21, 1667, between the three Powers; in which, general Freedom of Navigation was allowed to the *English*, which seems to have been the great Point contended for by our Ministers. During the Negotiations, Sir *William Temple*, in a Letter of the 21st of *May*, to Lord *Coventry*, then Ambassador to the States, writes thus: Mr *Godolphin* assured me, that all Parts of the Treaty of Commerce are so much to our Desire and Advantage, that he hopes to see many a rich Man in *England* by it. In this good Humour, they suffered seventeen Articles of the Treaty between *France* and *Holland* in 1662 (among which was the XXXVth, in which the *French* consented to grant the Right of Protection to neutral Vessels) to be inserted into the Treaty of Commerce at *Breda* " to serve for a Rule and Law, and so to " make Way for concluding a more perfect " and compleat Treaty, concerning maritime " Commerce between *England* and *Holland* *." At the Time of treating, there happened an unlucky Event in the War, which apparently helped to dispose our Ministers to make this Concession. On the 15th of *June*, the *Dutch* Fleet sailed up the River *Medway*, as far as

* Article III. p. 100, 101.

Chatham, and burnt the *Royal Oak*, the *Royal London*, and the *Great James*, with several Ships of War lying there; by which bold Action, they forwarded, says one of our considerable Merchants *, the Conclusion of such a Treaty of Marine, as they had long desired in vain.

It is not improbable, however, that one, if not the principal, Motive for making this Concession was, to facilitate the compassing of a Project, then formed by our Court, to engage the *Dutch* in a defensive Alliance with *England*, and so take them out of the Hands of *France*. 'Tis certain, that *Sir William Temple* was dispatched to the *Hague* in *January* following, with Propositions for such an Alliance. Hereupon, the *Dutch* turned that Proposal to their own Advantage, and resolved not to join in any Alliance, unless the provisional Concessions at *Breda* were made perpetual, and formed into a permanent national Treaty. *De Witte* expressly told our Envoy, that " the Treaty of defensive Alliance must, for a Basis, have at the same Time an Adjustment of Matters of Commerce †." And unless this could be obtained, it was the avowed Opinion of that great Pensionary, not to conclude. Influenced by the Sentiments of their Minister, the States persisted in the same Resolution; and though *England* was averse ||,

* *Mr Mogens*, in a Treatise upon Insurances, &c. in two Volumes, 4to. 1753, Vol. II.

† *Sir William Temple's* Letter to *Lord Arlington*, *January* 24, 1668.

|| *Eadem iidem*, *Feb. 12*, 1668.

Sir *William* huddled up the Point by a Sort of Constraint ; being apprehensive of the least Delay, and of the Uncertainties which would follow from it, he ventured to comply with their Desires, though he thereby exceeded his Instructions : A private Promise passed first between him and *De Witte*, and in Consequence of that, a few Weeks after, a Treaty of Commerce was concluded in *February* 1668, of which the XXXVth Article of the *French* Treaty in 1662 was made a Part. This Treaty was confirmed by the Treaty of 1674, which is now the maritime Regulation between the two Powers.

However, as the *Dutch* never happened to be Neutrals in Respect to *England*, from the Time of making it 'till the Commencement of our present War with *France*, the VIIIth Article lay dormant during that whole Interval, and some Time longer. But in 1758, when the *French* finding themselves unable to carry on their own Trade in their own Bottoms, resolved to employ the *Dutch*, and not only exempted their Vessels from the Tax of 50 *Sous* per Ton, but opened to them all their Ports in *America*. The Mischief of suffering the Rule to pass in general Terms, became notoriously manifest, and *Britain* resolved to make Use of those Means which God had put into her Hands, to remedy it. Great Numbers of these *Dutch* Vessels were taken *, and some of them adjudged to be lawful Prizes by our Court of Admiralty.

* See a List of the Captures in the Magazines.

The *States* being extremely vexed to see the Net, which they had so cunningly woven, and spread over us by the Treaty, now prove at length, upon the first Trial, too weak to hold us, and forcibly broken, did not spare to make heavy Complaints of the Breach. No less than four Memorials were presented, by large Deputations from their Merchants to the Princess Gouvernante. In one of which, they threaten to oppose Force to Force, in Case a Deputation, which was proposed to be sent to *England* by their High-Mightinesses, to solicit speedy and satisfactory Redress, and to insist strongly on it, should prove ineffectual. “ And, “ continues this Memorial, if we might not “ seem to anticipate the Deliberations of our “ legal Regency, we would at the same Time “ propose, that a Resolution should be taken, “ when the Deputation is sent to *England*, to “ send Commissions to *Russia, Spain, Sweden,* “ and *Denmark*, that in Case the Court of “ *England* should give a negative Answer, Alliances, Succours, and Assistance, might be “ secured, to oppose, in Concert with us, the “ despotic Empire of the *English* on the Sea.” The Princess Regent, in her Answer to this Memorial, takes Notice, that she had received “ A Letter from the King her Father, wherein “ his Majesty says, *The Affair of the Dutch is “ now under Consideration: and York will speedily receive the necessary Instructions for settling it amicably. Some Methods shall be “ thought of to curb the Insolence of the Privaters:* That she was informed Mr York had “ asked a Conference to treat of this Matter;

“ And that she hoped the Negotiation would
 “ be attended with Success.” She had, in An-
 swer to a former Memorial, assured them, that
 Negotiations were carrying on at *London*, for
 an Accommodation. But Mr *Hop*, the *Dutch*
 Minister here, soon afterwards acquainted his
 Masters, that our Court insisted upon these
 two Points; namely, That the *Dutch* should
 relinquish the Trade and Navigation to the
French Islands, and also forbear supplying the
French with Materials for Ship-building. These,
 in the last Memorial, are called Conditions pre-
 scribed, to which those Merchants who are
 the Sufferers could not subscribe, and which
 could not be accepted for the Merchants in ge-
 neral. We find, notwithstanding, that both
 these Conditions were peremptorily insisted on
 in the Memorial, which Mr *Yorke* presented by
 his Majesty’s Command to the *States-General*,
 on the 22d of *December* that Year, 1758;
 where having hinted, that the Treaty of 1674
 was enervated, by their ill Faith in observing
 some Stipulations of other Treaties which were
 connected with it, and taken Notice, that a
 Trade of the Nature which they now claimed
 was never permitted by themselves to others,
 and had been opposed by the *Salus Populi* in
 all Countries; he requires, in his Master’s
 Name, “ That such Naval Stores, as consist
 “ of Materials for building and repairing the
 “ *French* Fleets, should be comprehended in
 “ the Class of contraband Goods;” and then
 gives them to understand, “ That it was his
 “ Majesty’s Intention, that the Subjects of
 “ their High-Mightinesses should enjoy all the
 “ Privileges

“ Privileges and Immunities resulting from the Treaty of 1674, so far as the Tenor of it was not derogated from by the present Accommodation *.” In the mean Time, an Equipment of eighteen Ships of War had been resolved on by the *Dutch*, to take Place as soon as possible : And in *April* the next Year, 1759, arrived at *London* the two Deputies, according to the Intimation given in the above-mentioned Memorial of their Merchants. But seeing the prodigious Success of our Arms this Year, especially in taking *Guadaloupe*, *Quebec*, and, upon the Matter, the whole Country of *Canada*, together with the Failure of the *French* Finances ; these unfriendly Allies have thought fit to soften their Animosity, and wait the further, and probably the final, Issue of the War ; leaving the *French* Trade, as not worth contending for by the Government at the Hazard of a Rupture, to private Adventurers ; and, as to Captures, acquiescing in the Sentences of the Lords of Appeal, who apparently regulate their Decrees by the Accommodation, prescribed to the Treaty of 1674, in Mr *Yorke*’s Memorial.

In the last War, when the *Dutch* acted in Conjunction with us against *France*, we see a very different Conduct observed on both Sides, in Regard to this Treaty. Among the Instructions for Commanders of Ships carrying Letters of Marque and Privateers, given by his Majesty in *June* 1744, a Copy of which is annexed to the present Collection, we find, “ That no Goods laden in *Dutch* Ships shall

* This is further explained in An Extract, &c. in the *Gentleman’s Magazine* for September 1758, p. 403, 404.

“ be deemed contraband, other than such as
 “ are declared so to be, by the Marine Treaty
 “ concluded between *England* and *Holland* in
 “ the Year 1674.” And that “ All Captains
 “ and Commanders of such Ships are required
 “ and enjoined to observe carefully and reli-
 “ giously, the Terms of the Treaty marine,
 “ between his late Majesty King *Charles II.*
 “ and their High-Mightinesses the States-Ge-
 “ neral of the *United Netherlands*, concluded
 “ at *London* the first Day of *December*, 1674,
 “ old style, and confirmed by subsequent Trea-
 “ ties: And they are hereby required to give
 “ Security, pursuant to the Xth Article of the
 “ aforesaid Treaty Marine, for their due Per-
 “ formance thereof *.”

The *Dutch*, likewise, on their Side, pub-
 lished a Placart, *July 7, 1747*, prohibiting
 the Exportation “ of the following Sorts of
 “ Arms, Ammunition, and other warlike
 “ Stores; as also Fodder and Provisions; to
 “ wit, Salt-Petre, Sulphur refined or unre-
 “ fined, Gunpowder, Matches, Cannon, Swi-
 “ vel-Guns, Mortars, Carriages, Balls, Bombs,
 “ Curcasses, Grenadoes, Muskets, Forkets,
 “ Fusils, Pistols, Petards, Salfages, Pitch,
 “ Crantzes, Helmets, Caskets, Curasses,
 “ Bandeliers, Pouches, whole and half Pikes,
 “ Halberts, Swords; and further, all Sorts of
 “ Weapons, serving for the Hand, or firing
 “ Instruments; among which are comprehen-
 “ ded Gun-Barrels and Locks, and what fur-
 “ ther may be requisite to mount the same;
 “ Boots, Saddles, Pistol-Cases; and all what

* Instruction III. and IV. in p. 221.

" is necessary for the dressing of Horses. *Item*,
 " Masts, and all Sorts of round Timber for
 " building of Ships sawed or unsawed, Sail-
 " Cloth, Hemp, Ropes, Anchors, Pitch, Tar,
 " Lead, Pewter, Iron and Steel Filings, all
 " Sorts of Copper and Metal, Sea-Coal; as
 " also Hay, Oats, Straw, and Horse-Beans;
 " all under the Penalty of forfeiting the said
 " Species, which shall be endeavoured to be
 " exported, and found out; and moreover, of
 " twice the Value thereof, one third Part for
 " the Informer, one third Part for the Officer
 " that shall seize them, and one third Part for
 " the Publick."

This Placart * was also followed by another,
 called Placart of Ampliation, dated *August 31*,
 the same Year. " Whereby it is declared, First,
 " that under the Word Masts, Yards, Tops,
 " and all Sorts of round Timber and other,
 " fit for the building of Ships, sawed and un-
 " sawed, the Exportation whereof is prohibi-
 " ted in our Placart of the seventh of *July*,
 " are contained and to be understood, green
 " Firr, and *Norway* and other Masts, Stumps
 " for Bowsprits, Yards, Tops, and all other
 " round Timber; there are likewise contained
 " among it, Milrods for Oars, and six or eight-
 " Square cut Timber, used, or fit to be made
 " useful, for any of the said Articles; Knee-
 " Timber; crooked Timber, of what Quality
 " of Wood soever, without any Distinction of
 " Length, Thickness, and Breadth; *Silesia*,
 " *Hamburgher*, *Weeselsish*, or *Rhenish* Timber;
 " Wood, Blocks of Oak, or Beach-Wood,

* P. 204, 205.

“ either whole or sawed ; as also green Firr,
 “ and *Norway* Balks, either entire or cut,
 “ above twenty Feet long, and above one Inch
 “ and a half thick ; all oaken Planks, be it
 “ *Dantzick* Plank, or the so called, Upper or
 “ Low-Land, of what Dimension or Thick-
 “ ness soever ; likewise all green Firr or *Nor-*
 “ *way* Deal-Boards, sawed either abroad, or
 “ in these Provinces, longer than twenty Feet,
 “ and thicker than one Inch and a half, with-
 “ out any further.

“ *Secondly*, that under the Words Ropes
 “ and Cordage, prohibited to be exported by
 “ the said Placart, are also comprehended
 “ bending Ropes ; as also Cable-Yarn, Rope-
 “ Yarn, Leach-Yarn, Sail-Twine, and the
 “ like.”

And because some lesser Implements in
 Iron and Copper are declared not to be com-
 prehended under the general Words Iron and
 Copper, prohibited in the former Placart ; in
 Order to prevent any Abuse that may be made
 of this Concession, “ Such Shippers and Ma-
 “ sters of Ships, as shall be found to have
 “ made their Machinations to send their pro-
 “ hibited Goods to *France*, shall also be cor-
 “ porally punished, besides and above the For-
 “ feiture and Penalty of treble the Value of
 “ the Forfeiture of the Ship, if, and as far as,
 “ the same doth belong to the Shipper or Ma-
 “ ster *.”

Agreeable to this Spirit of Fidelity to each
 other, a Cargo of Brandy and Salt, loaden in a

Dutch Ship, bound from *Nantz* to *Dantzick*, for Account of the Owner of the Ship, was first condemned in our Court of Admiralty, and the Sentence confirmed afterwards by the Lords of Appeal, as contraband Goods; for this Reason, because, though *Dunkirk* was no blockaded Place *, yet Brandy and Salt were of Service to the *French Army*, which lay encamped at no great Distance from it.

In the Treaties with *Portugal*, which follow those with the *States-General*, we find a very different Temper. By the XXIII^d Article † of the Treaty in 1654, it appears, that *Cromwell* agreed with the *Portuguese*, in the Rule of free Ships making free Goods, which he would not allow to the *Dutch*. No Body knew better than he did, that the Weight of the *English* lay chiefly in the Superiority of their maritime Strength, of which he had very lately seen a noble Proof in his War with the *Dutch*; and consequently, that he cannot be supposed not to know, that it was bad Policy in general to allow this Rule to any Nation. But he seems to have something further in View at this Time. *Portugal* was then contending for the Possession of it's *East* and *West Indies* with the *Dutch*. The Protector therefore resolved, that the *English* should reap the Benefit of that Trade in the mean while. The *Portuguese*, in their then present Situation, must have found it difficult to have supplied

* As was required by Article IV. of the Treaty of 1674, p. 86, 87.

† In p. 119.

the *Indies* themselves, and consequently might well allow the Proviso granted in the XIth Article * of this Treaty, " That the People " and Inhabitants of *Great-Britain*, might " navigate and trade, freely and safely, from " *Portugal* to *Brazil*, and to the *East* and " *West Indies*, paying the Duties and Customs " which others pay who trade with those " Countries, and that they should have the " same Freedom which had been granted by " any former Treaty, or should be granted " hereafter to the Inhabitants of any other " Nation, in Alliance and Friendship with " that Kingdom." However, this Freedom ended, with the End of the Contests about their Possessions. For, as their Friends and Allies monopolized the Trade of those Places, where they had been admitted, and got footing in the *East* and *West Indies*; the *Portuguese*, in Return, excluded them from trading to those Settlements, which they still retained.

It seems a little surprizing at first Sight, to find so few Treaties of Commerce and Navigation with *Portugal*; and none later than 1654. This is the Result of that perfect good Harmony and friendly Disposition, which has long subsisted between the two Nations. Hence it is, that the XIXth Article of the last mentioned Treaty, by which it is stipulated, that " Ships and Goods of one Party, carried by an " Enemy into the Ports of the other, shall be " restored †," is agreed to be annulled by a

* In p. 117.

† In p. 118, 119.

contrary Practice, without any special Contract, either publick or private, to rescind it ; and there are also other Articles in the same Treaty that are become void, as being obsolete, and out of Date now. It is so much the mutual Interest of both Nations, to keep always well together, that there has been no Occasion for any more particular Treaties to preserve them in Amity. There was, indeed, a Circumstance in 1683, which threatened a Rupture between them ; when the *Portuguese*, having set up a Manufacture of woollen Cloth, and made some Progress in it, prohibited the Admission of our Cloths, in order to promote their own Manufacture : But the Clouds were dispersed, by a well-judged Piece of Policy, which *England* made use of in forming the Treaty of Alliance with them in 1703, when they joined us in the War against *France* and *Spain*. By that Treaty it was stipulated, that our Cloths should be admitted for ever, granting them an Equivalent in admitting theirs ; which answered very well on our Side, having proved the Ruin of their Manufacture.

In proceeding from *Portugal* to the Treaties with the *Emperor*, the Reader will find, by Article V. of the Convention in 1715, that the Parties had then some Intention to agree upon a new Treaty of Commerce. The same is also actually stipulated in the Vth Article of the Treaty of Peace in 1731, and that a new Tariff should be settled for the *Austrian Netherlands*, by Commissioners to meet at *Antwerp* within two Months, and to be concluded within

within two Years: But that no such Treaty has as yet been concluded *. Nor, indeed, can any Thing be done in it during the Continuance of the present War; the Issue of which, however, may not improbably give our Merchants an Opportunity of repairing their Fault, during the last War, when, though they must needs see how greatly the House of *Austria* was in want of our Assistance, yet they neglected to represent in a proper Manner to the Ministry in what their Wants consisted, and what would redound to the Benefit of Trade. This was the more surprizing, as it might have been presumed, that the Court of *Vienna* would not then have hesitated to have made some more favourable Concessions to us than to other Nations; since, besides defending them with a powerful Army, we assisted them with a Subsidy, from 300,000 *l.* to 500,000 *l.* a Year in ready Money, and so paid dear enough for whatever Privileges we might have obtained.

Among the Treaties with *Russia*, which appear next in Order, the short Duration of four Years, fixed for the Subsistence of the Treaty in 1755, as is seen in this Collection †, seems somewhat extraordinary. To account for it, we must take a View of the Situation of Affairs in *Germany* at that Juncture. The Rupture between *England* and *France* had grown in the Beginning of this Year to such a Height, as must unavoidably bring on a declared

* P. 124, and

† Supplement, p. 268.

War; the Consequence of which, it was obvious to foresee, would be an Invasion by the *French* of our King's *German* Dominions. In order, therefore, to provide a sufficient Defence for their Security, it became necessary to procure as powerful a Confederacy as could be had. For that Purpose, his Majesty set out for *Hanover* on the 28th of *April*, and concluded a Treaty on the 18th of *June* with the Landgrave of *Hesse-Cassel*; by which that Prince engaged to hold in Readiness, during four Years, for his Majesty's Service, a Body of 8000 or 12000 Men, to be employed, if required, upon the Continent, or in *Britain* or *Ireland*, but not on Board the Fleet or beyond the Seas; and, on the other Hand, his Majesty engaged to pay, remount, and recruit, these Troops, whilst in his Service; and besides, to pay the *Landgrave*, during the Term of four Years, an annual Subsidy of 150,000 Crowns Banco, valued at 4 s. 9 d. $\frac{1}{4}$ Sterling each, together with a large Sum for Levy-Money, to be paid at the Exchange of the *Ratifications*; which Subsidy was to be at the Rate of 300,000 Crowns yearly, from the Time of requiring the Troops, to the Time of their entering into *British* Pay; and in Case they should be again dismissed, the said Subsidy of 300,000 Crowns was to remain and to continue at that Rate, during the Residue of the Term. Some other of the *German* Princes, particularly *Bavaria* and *Saxony*, were probably applied to on this Occasion, but without Success.

In

In the mean Time, the War being in some Measure begun, by Admiral *Boscawen's* attacking and taking the *Lys* and the *Alcide*, two *French* Men of War, off the Coast of *Newfoundland*, his Majesty returned to his *British* Dominions sooner than usual; he arrived at *Kensington* on the 15th of *September*, and on the 30th was concluded the Treaty of Alliance now under Consideration between him and *Russia*. By this Treaty, her *Russian* Majesty engaged to hold in Readiness in *Livonia*, upon the Frontiers of *Lithuania*, a Body of Troops, consisting of 40,000 Infantry and 15,000 Cavalry; and also on the Coasts of the said Province, forty or fifty Gallies, with the necessary Crews, in a Condition to act on the first Order; but neither these Troops nor Gallies to be put in Activity, unless his *Britannick* Majesty or his Allies should be somewhere attacked: In which Case, the *Russian* General should march, as soon as possible, after Requisition, to make a Diversion, with 30,000 Infantry and 15,000 Cavalry, and should embark on Board the Gallies the other 10,000 Infantry, to make a Descent, according to the Exigence of the Case. On the other Side, his *Britannick* Majesty engaged to pay to her *Russian* Majesty, an annual Subsidy of 100,000 *l.* Sterling, from the Day of the Exchange of the Ratifications, to the Day that these Troops should, upon Requisition, leave the *Russian* Dominions; and from that Day, an annual Subsidy of 500,000 *l.* Sterling, until the Troops should return into the *Russian* Dominions, and for three Months after their Return. His *Britannick* Majesty further

further engaged, that in Case her *Russian* Majesty should be disturbed in this Diversion, or attacked herself, he would furnish immediately the Succour stipulated in the Treaty of 1742 ; and that in Case a War should break out, he would send into the *Baltic* a Squadron of his Ships of Force, suitable to the Circumstances. And both Parties agreed, that this Convention should subsist, as has been said, for four Years, from the Exchange of the Ratifications. The Reason of which now is clearly seen : Neither did the large Expence on one Side admit, nor the greatness of the Force on the other Side require, a longer Term for effectuating the intended Purpose.

Nay, so shifting and changeable were the Politicks at that Time, that this Treaty had never any vital Subsistence at all, or was never carried into Execution, being counteracted by our Refusal to accede to a defensive Alliance between the two Courts of *Vienna* and *Russia* ; in which there was an Article, that if the King of *Prussia* should attack either of the Allies, neither should make Peace with him, unless he agreed to restore *Silesia*. That Monarch no sooner got a Copy of our Treaty with *Russia*, than he declared by his Ministers, at all the Courts of *Europe*, that he would oppose, with his utmost Force, the Entrance of any foreign Troops into the Empire. The Court of *Versailles* was apparently much disturbed at so unexpected a Declaration, by a Prince still in Alliance with it, and who could not be ignorant, that a numerous *French* Army was already assembled near the *Lower Rhine*, and
Magazines

Magazines provided for their March the whole Way to *Hanover*; so that all they wanted was a Passage through the *Prussian* Dominions, to enable them to swallow up that Electorate, before the *Russian* Auxiliaries could be brought thither, or any Way formed for protecting it. But his *Prussian* Majesty persisted firmly in his Resolution to oppose it; whereupon, a Negotiation being set on Foot by our Court at *Berlin*, a new Treaty of Alliance was concluded in the Beginning of the next Year 1756. On the other Hand, the Court of *Petersburgh* adhering to her Alliance with that of *Vienna*, proceeded presently to perform her Stipulations with Regard to *Silesia*; and what has been the Event of these Changes I need not say. It is more to the Purpose of the present Discourse to take Notice, that the forementioned Treaty with the Prince of *Hesse Cassel* was renewed before the Expiration of the four Years; but it's Partner (if I may call it so) with *Russia* remains extinct, so that the Treaty of 1742 is the last Treaty now subsisting between the two Kingdoms.

We must not dismiss the Treaties with this Court, without considering the Claim that has been lately offered thence, of carrying the Property of an Enemy. This Right is deduced from a general Stipulation, declaring, that *Russia* shall be treated in like Manner as the most favoured Nation. The Stipulation is inserted in several Articles of the Treaty of 1734; but it appears in every one of them, to relate only to the particular Privileges which the Subjects of each were to enjoy, while they were trading within

within the Dominions of the other. In the II^d Article, this Equality of Favour is expressly said to be granted throughout the Dominions of the contracting Parties in *Europe*. In the III^d it relates only to the favourable Reception of the Subjects of each other, in the Ports of their respective Countries *. In the XIVth, it grants only an equal Freedom, to import such Merchandise into each other's Dominions, as is allowed to the Subjects of any other Country. And in the XXVIIIth, it refers only to the Respect and Treatment which is to be given to the Subjects of one Party, who come into the Dominions of the other †. Hence it is manifest, that the Stipulation of equal Favour relates to nothing else, but such Advantages as may be granted to foreign Traders, by the municipal Laws or Ordinances of each Country; such as Equality of Customs, Exemption from the Rigour of ancient Laws, which would affect them as Aliens, and the Privileges of Judges-Conservators and Consuls. But because the whole Detail of these could not easily be specified, for that Reason they are thus comprehended in general Terms.

After *Russia* follows *Sweden*; where, in Pursuance of our Method, the Treaty of *October* 21, 1661, is placed first, as the principal one at present in Force between the two Nations. And it is observable, that the IVth Article of this Treaty || has the same Stipulation, of equal

* P. 132.

† P. 134, 135.

|| P. 139, 140.

Favour as that abovementioned with *Russia*; and that it likewise refers to such Favours only as may be enjoyed in Matters of Traffick within their respective Dominions: The Treatment which the contracting Parties shall there give to the Subjects of each other, is the principal Purport of the Article: It specifies many Particulars; and among the rest stipulates, that the People of both Countries shall have " Liberty to import and export their Goods at " Discretion, the due Customs being always " paid, and the Laws and Ordinances of both " Kingdoms universally observed: " And then manifestly connecting this with what follows it, adds: " Which Things being presupposed, " they should hold such ample Privileges, Ex- " emptions, Liberties, and Immunities, as " any Foreigner whatsoever doth or shall en- " joy." The general Equality, therefore, here stipulated, plainly relates to those Places alone, where the Customs of these Kingdoms are to be duly paid, and the Laws and Ordinances of them are in Force; and that is only within their respective Dominions, as is evident from the Words, " In the Dominions " and Kingdoms of each other," which are twice repeated. 'Tis true, we find the following Stipulation in the XIth Article *, that " It is by no Means to be understood, that " the Subjects of one Confederate, who is not " a Party in a War, shall be restrained in their " Liberty of Trade and Navigation with the " Enemies of the other Confederate, who is

“involved in such War.” But the Meaning of these Words is clearly explained in the next Article XII. which is so far from supposing, that the Liberty here granted implies any Right to convey the Effects of an Enemy, that the very Attempt to practise it, under Favour of this Liberty, is there called a Fraud, and, as a most heinous Crime, is ordered to be most severely punished *.

The Treaty of Commerce at *Stockholm*, February 16, 1666, is said || to be no more than an Extract made *ex parte* by *Charles II.* King of *Sweden*, of several Marine Articles, out of the two Treaties of 1664-5 and 1661, between him and *Great-Britain*, together with his Edict for the due Observance of the same by his own Subjects. The Truth of the Matter seems to be, that the said Treaty of 1666, was communicated at the *Hague*, signed in *Sweden* by *Hederig Eleonora*, *Sered Baat*, *Lorens de Lynde*, *Gustave Steenback*, *Magnus Gabriel de Gardie*, and *Claudius Rolande*. It was therefore probably sent from *Stockholm* to *London* to be exchanged †; but we do not find any where, that it had been respectively signed and sent on the Side of *England*. We were at that Time at War with *Holland*, and the *Swedes* proposed their Ambassadors to act as Mediators, which certainly was a good Opportunity to obtain a Treaty to their own liking. In our Answer to the *Prussian* Exposition, no other Treaty with *Sweden* is mentioned than that of 1661.

* P. 145, 146.

|| P. 155.

† *Aitzema*, Tom. XII. p. 407.

IN the Treaties with *Denmark*, that of 1691 appears at the Head, as it contains a distinguishing Stipulation, whereby that Prince obtained an extraordinary Favour, more than was granted to any other Nation at that Juncture. *England* and *Holland* being then at War with *France*, did not suffer any Nation to trade at all with her, agreeable to their Notifications made to all Courts in 1689. Yet *Denmark* being then an Ally of *England*, and keeping a Body of Troops in *English* Pay, were allowed, in 1691, a direct Trade with *France*, for such Goods as could be of no bad Consequences. The List of contraband Goods was somewhat large, and the King of *Denmark* accepted of the Restriction, as he expressed it himself in his Edict, to avoid all Vexations and Interruptions, for as long as the War with *France* might last; whence it followed of Course, that as soon as Peace was restored, this Treaty became void. However, because it is of Use to know how far they extended contraband Goods in former Wars, we shall insert a Specification of them, as follows: All Sorts of Fireworks, and Things thereto belonging; as Cannons, Muskets, Mortars, Petaroes, Bombs, Grenadoes, Puddings, Torches, Carriages for Ordnance, Rests for Muskets, Bandeliers, Gunpowder, Lead, Saltpetre, Balls, Pikes, Swords, Murrions, Curasses, Halberts, Darts, Horles, Gorgets, Belts, Sails, Cordage, Masts, Matches, Pitch, Tar, Hemp, and all what is in Use for equipping by Sea and Land, without comprehending therein any other Sorts of Merchandise, of what Nature soever. Agreeable to this Specification,

fication, we find the same, with very little Variations, inserted among the Instructions to Commanders of Ships carrying Letters of Marque, and to Privateers, given by our Court in 1744, No. V. by which any of these Goods being laden in *Danish* or *Swedish* Ships, or Ships belonging to Neutral Countries, and bound to the Enemy's Country, are accounted contraband *. Here we have a Precedent for the Demand in Mr *Yorke's* Memorial to the States-General abovementioned, that certain Articles of Naval Stores, such as consist of Materials for building and repairing the *French* Fleet, should be comprehended in the Class of contraband Goods.

In the Treaty of Commerce of 1669, is inserted the same Stipulation, of equal Favour as that with *Russia* and *Sweden*. By the XLth Article it is declared, that " If the *Hollanders*,
 " or any other Nation whatever, hath or shall
 " obtain from his Majesty of *Great-Britain*,
 " any better Articles, Agreements, Exemptions, or Privileges, than what are contained
 " in this Treaty, the same and like Privileges
 " shall be granted to the King of *Denmark* and
 " his Subjects also, in most full and effectual Manner †." A Right of free Trade with the Enemy is also granted in the XVIth Article ||; but it is a little worth observing, what Care was taken to prevent any Liberty conceded in this Treaty, from being interpreted so as to give a Right of carrying the Property of an Enemy. The Words

* P. 221, 222.

† Supplement, p. 279.

|| P. 158.

are, " Lest such Freedom of Navigation or Passage for one Ally, his Subjects and People, might, during a War which the other may be engaged in, by Sea or by Land, with any other State, be of Prejudice to such other Ally, and the Goods and Merchandise belonging to the Enemy be fraudulently concealed, under the colourable Pretence of their being in Amity together : Wherefore, in order to prevent all Frauds of that Sort, and to remove all Suspicion, it is thought proper, that the Ships, Merchandises, and Ships-Crew, belonging to the other, be furnished upon their Voyages with Passports and Certificates, according to the Form and Tenor following." Then is inserted the Form; whereby it appears, that the King of *Denmark* bound himself to declare, that " the Ship and the Goods with which it is laden belong to his Subjects, or to others having an Interest therein, who are the Subjects of Neutral Powers ;" and that " they do not appertain to either of the Parties now engaged in War †." This is the more remarkable, as the *Dutch* had obtained this Right of carrying the Property of an Enemy in 1668, the Year before the Stipulation of equal Favour was granted to *Denmark* in this Treaty of 1669, and confirmed the following Year.

FROM *Denmark* we proceed to a State next in Importance to it with Regard to the Marine, which is that of *Savoy* : With whom it

† Ibid. and p. 275. in the Supplement.

seems we have subsisting only one single Treaty; and that made so long ago as the Year 1669. This is plainly owing to that reciprocal Affection, which is stipulated in the first Article of the Treaty, and which is there said to have then continued for many Years uninterrupted *, and which continues to this Day between the two Nations. The Treaty appears to be made, for the Encouragement of Trade to *Nice*, *Villa-Franca*, and *St Hospice*, the three Ports in the Dominions of the Duke of *Savoy*; and it is remarkable, that the *English* are allowed in this Treaty, almost the same Privileges that were allowed in 1749, in Favour of all Nations, when they were made free Ports. It is true, they do not allow us now, as they did then, the Privilege, in Case of Disputes, to chuse our own Delegates. But they allow something better, in Favour of all Nations; that is, in Case of any Disputes concerning Trade and Commerce, all persons shall represent their own Cases before a Court of Commerce, without the Intervention of Lawyers and Atornies, whereby they are determined immediately and absolutely.

AFTER *Savoy*, for the Reason last mentioned, follows *Turkey*. In Regard to the Treaties with this Nation, it greatly imports to be apprized of the Difference that has been made in Captures, between the *Turkish* Effects and those of all other Countries. In an additional Instruction to all Ships of War, Privateers, and Letter of Marque Ships, given at *St James's*

* P. 169.

March 30, 1747, it is ordered and directed,
 " That no Effects or Merchandises, taken on
 " Board any Enemy's Ship, which shall be
 " claimed by any Subjects of the Grand-Seig-
 " nior's, as being their Property, shall be pro-
 " ceeded against for Condemnation in any other
 " Court but the High Court of Admiralty of
 " *England*; nor in that Court, until Notice be
 " first given of the said Proceeding to the *Tur-*
 " *key Company*, to the End that Care may be
 " taken, that a proper and legal Defence may
 " be made on Behalf of the Claimants, Sub-
 " jects of the Grand-Seignior *." During
 the last War, the *Ruby Merchant-Man*, upon
 a Commission granted from our Admiralty to
 cruize in the *Mediterranean Sea*, took some
French Vessels, which were condemned, with
 their entire Cargoes, by the Judge of the
 Admiralty. And the Owners of the *Ruby*,
 not having been cautioned, in taking out the
 Commission, to deal with *Turkish Effects*,
 otherwise than with those belonging to other
 Nations (who all know our Treaties with
France to be, that unfree Ships make
 unfree Goods, and so would naturally
 avoid shipping any in the same), thought
 themselves quite safe with their Prizes, but
 found it otherwise, by the *Turks* having made
 the *British Factory* at *Aleppo* pay for them;
 who thereupon sent to *England* some *Turks*,
 to prove the Goods on Board to have been their
 Property. And the Cause being brought before
 the Lords of Appeal, they, in Consequence of

* P. 233, 234.

the said Proof, ordered the Goods to be restored with Costs, alledging, that the Treaties made with *France* ought not to affect the Concerns of the *Turks*, who were supposed to be unacquainted with the Treaties made by us with other Nations in *Europe*.

THE Treaties with *Morocco*, *Algiers*, *Tripoli*, and *Tunis*, are placed the last, as being of lesser Importance than the rest; neither is any Part of them so liable to be misunderstood, as to require, or even to excuse, a particular Explanation.

WHAT has been said will it is hoped be candidly accepted, in an Attempt not hitherto made, of shewing the true Force, Extent, Design, and Meaning, of the principal Articles in our Marine Treaties. But we must not conclude this Preface, without giving some Account of the present Edition. The unfavourable Aspect of it requires an Apology; and the best that can be made, I am sure, is to declare the Truth without any Disguise, which is as follows: That the Extracts were first collected, in Pursuance of a Request from the Lords of the Admiralty, by the late Dr *Henry Edmonds*, LL.D. an eminent Civilian and Advocate in Doctors-Commons. After whose Death, the Manuscript came into the Hands of a Bookseller, who put it to the Press; but leaving off Business before it was quite finished there, it lay in that Condition, 'till our Disputes with the *Dutch* brought it under the Consideration of the present Proprietor: The Result of which
was,

was, a Resolution to have it revised by a proper Person, that such Articles, if any, as were found to be omitted in the Treaties then subsisting, might be supplied, and such others added, as were found relative to the Marine in the Treaties that had been made since. To this End, the whole Book, as has been said, being nearly printed off, a Supplement became necessary, in which the Method prescribed by the first Collector was also to be observed. And thus much at least may be truly said in it's Behalf, that, by placing the principal Treaties with each Nation first, and ranking the rest in the Order of their Importance, the Reader sees by Inspection which are the most important Treaties with each Nation; an Advantage that is wanting in the Method of other Collections; which are likewise printed without any such Copies of the Instructions given to the Commanders of either publick or private Men of War, or *Dutch* Placarts, as are to be found in the present Edition, the Use whereof has sufficiently appeared in the Course of this Preface.



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Treaty

(17)

Treaty of Navigation and Commerce between the Crowns of Great-Britain and France; concluded at Utrecht, March 31, O. S. 1713.

ARTICLE I.

THAT there shall be a reciprocal and entirely perfect Liberty of Navigation and Commerce between the Subjects on each Part, through all and every the Kingdoms, States, Dominions, and Provinces of their Royal Majesties in *Europe*, concerning all and singular Kinds of Goods in those Places, and on those Conditions, and in such Manner and Form as is settled and adjusted in the following Articles.

Free Navigation
and Commerce in
Europe.

ARTICLE III.

That the Subjects and Inhabitants of the Kingdoms, Provinces, and Dominions of each of their Royal Majesties, shall exercise no Acts of Hostility and Violence against each other; neither by Sea, nor by Land, nor in Rivers, Streams, Ports or Havens; under any Colour or Pretence whatsoever, so that the Subjects of either Party shall receive no Patent, Commission, or Instruction for arming and acting at Sea as Privateers, nor Letters of Repprisals (as they are called) from any Princes or States, which are Enemies to one Side or the other;

Subjects of either
Nation not to act
under any Com-
mission against
the other.

B

nor

nor by Virtue or under Colour of such Patents, Commissions or Reprisals, shall they disturb, infest, or any way prejudice or damage the aforesaid Subjects and Inhabitants of the Queen of *Great-Britain*, or of the most Christian King; neither shall they arm Ships in such manner as is aforesaid, or go out to Sea therewith. To which End, as often as it is required by either Side, strict and express Prohibitions shall be renewed and published in all the Regions, Dominions and Territories of each Party wheresoever, that no one shall in any wise use such Commissions or Letters of Reprisals, under the severest Punishment that can be inflicted on the Transgressors; besides Restitution and full Satisfaction to be given to those to whom they shall have done any Damage.

A R T I C L E IV.

Free Passage
in Europe.

The Subjects and Inhabitants of each of the aforesaid Confederates shall have Liberty, freely and securely, without Licence or Passport, general or special, by Land or by Sea, or any other Way to go into the Kingdoms, Countries, Provinces, Lands, Islands, Cities, Villages, Towns wall'd or unwall'd, fortified or unfortified, Ports, Dominions, or Territories whatsoever of the other Confederate in *Europe*, there to enter and to return from thence, to abide there, or to pass through the same, and in the mean Time to buy and purchase as they please all Things necessary for their Subsistence and Use; and they shall be treated with all mutual Kindness and Favour: Provided however, that in all these Matters they behave and comport themselves conformably to the Laws and Statutes, and live and converse with each other friendly and peaceably, and keep up reciprocal Concord by all manner of good Understanding.

A R T I C L E

ARTICLE V.

The Subjects of each of their Royal Majesties may have Leave and Licence to come with their Ships; as also with the Merchandizes and Goods on board the same (the Trade and Importation whereof are not prohibited by the Laws of either Kingdom) to the Lands, Countries, Cities, Ports, Places and Rivers of either Side in *Europe*, to enter into the same, to resort thereto, to remain and reside there without any Limitation of Time; and moreover they shall have free Leave, without any Molestation, to remove themselves; and if they shall happen to be married, their Wives, Children and Servants; together with their Merchandizes, Wares, Goods and Effects, either bought or imported, whensoever and whithersoever they shall think fit, out of the Bounds of each Kingdom, by Land and by Sea, on the Rivers and fresh Waters, discharging the usual Duties, notwithstanding any Law, Privilege, Grant, Immunity, or Custom, in any wise importing the contrary.

Free Ingress
and Egress with
all Goods not pro-
hibited.

ARTICLE VII.

Merchants, Masters of Ships, Owners, Mariners, and all other Persons; Ships, and all Merchandizes and Effects in general of one of the Confederates, and of his Subjects and Inhabitants, shall, on no public or private Account, by Virtue of any general or special Edict, be seized in any the Lands, Ports, Havens, Shores, or Dominions whatsoever of the other Confederate, for the publick Use, for warlike Expeditions, or for any other Cause, much less for the private use of any one, shall they be detained by Arrests, constrained by any Kind of Violence, or in any wise molested or injured. Moreover, it shall be unlawful for the Subjects of both Parties to take any Thing, or to extort it by Force, except the Person to whom it belongs consent, and it be paid for with ready Money. Which however is not to

Subjects or
Goods of either
not to be seized
or detained.

be understood of that Detention and Seizure which shall be made by the Command and Authority of Justice, and by the ordinary Methods, on account of Debt or Crimes, in respect whereof, the Proceeding must be by way of Law, according to the Form of Justice.

A R T I C L E XV.

Privateers of
Enemies not to
fit themselves, or
dispose of Cap-
tures in the Ports
of either Party.

It shall not be lawful for any foreign Privateers, not being Subjects of one or the other of the Confederates, who have Commissions from any other Prince or State in Enmity with either Nation, to fit their Ships in the Ports of either the one or the other of the aforesaid Parties, to sell what they have taken, or in any other Manner whatsoever, to exchange either Ships, Merchandizes, or any other Lading; neither shall they be allowed even to purchase Victuals, except such as shall be necessary for their going to the next Port of that Prince from whom they have Commissions.

A R T I C L E XVII.

Free Naviga-
tion and Passage
to and from Pla-
ces at Enmity
with either.

It shall be lawful for all and singular the Subjects of the Queen of *Great-Britain*, and of the most Christian King, to sail with their Ships with all manner of Liberty and Security; no Distinction being made who are the Proprietors of the Merchandizes laden thereon from any Port, to the Places of those who are now, or shall be hereafter at Enmity with the Queen of *Great-Britain*, or the most Christian King. It shall likewise be lawful for the Subjects and Inhabitants aforesaid, to sail with the Ships and Merchandizes aforementioned; and to trade with the same Liberty and Security from the Places, Ports and Havens, of those who are Enemies of both, or of either Party, without any Opposition or Disturbance whatsoever, not only directly from the Places of the Enemy aforementioned to neutral Places; but also from one Place belonging to an Enemy, to another Place belonging

to

to an Enemy, whether they be under the Jurisdiction of the same Prince, or under several: And as it is now stipulated concerning Ships and Goods, that free Ships shall also give a Freedom to Goods, and that every thing shall be deemed to be free and exempt, which shall be found on Board the Ships belonging to the Subjects of either of the Confederates; although the whole Lading, or any Part thereof should appertain to the Enemies of either of their Majesties, Contraband Goods being always excepted; on the Discovery whereof, Matters shall be managed according to the Sense of the subsequent Articles: It is also agreed in like manner, that the same Liberty be extended to Persons who are on board a free Ship, with this Effect, that although they be Enemies to both or either Party, they are not to be taken out of that free Ship, unless they are Soldiers, and in actual Service of the Enemies.

A R T I C L E XVIII.

This Liberty of Navigation and Commerce shall extend to all Kinds of Merchandizes, excepting those only which follow in the next Article, and which are distinguished by the Name of Contraband.

Exception of
Contraband
Goods,

A R T I C L E XIX.

Under this Name of Contraband, or prohibited Goods, shall be comprehended Arms, Great Guns, Bombs with their Fuzees, and other Things belonging to them; Fire-Balls, Gunpowder, Match, Canon-Ball, Pikes, Swords, Lances, Spears, Halberds, Mortars, Petards, Granadoes, Saltpetre, Muskets, Musket-Ball, Helmets, Head-Pieces, Breast Plates, Coats of Mail, and the like Kinds of Arms proper for arming Soldiers, Musket-rests, Belts, Horses with their Furniture, and all other warlike Instruments whatever.

Contraband
Goods specified,

ARTICLE XX.

What Goods shall
not be deem'd
Contraband.

These Merchandizes which follow, shall not be reckoned among prohibited Goods; that is to say, all Sorts of Cloths and all other Manufactures woven of any Wool, Flax, Silk, Cotton, or any other Materials whatever; all Kinds of Cloths and Wearing-Apparel, together with the Species whereof they are used to be made; Gold and Silver as well coined as uncoined, Tin, Iron, Lead, Copper, Brass, Coals; as also Wheat and Barley, and any other Kind of Corn and Pulse; Tobacco, and likewise all manner of Spices; salted and smoak'd Flesh, salted Fish, Cheese and Butter, Beer, Oils, Wines, Sugars and all Sorts of Salt; and in general, all Provisions which serve for the Nourishment of Mankind, and the Sustenance of Life: Furthermore, all Kinds of Cotton, Hemp, Flax, Tar, Pitch, Ropes, Cables, Sails, Sail-cloths, Anchors, and any Parts of Anchors; also Ships Masts, Planks, Boards, and Beams, of what Trees soever; and all other Things proper either for building or repairing Ships, and all other Goods whatever which have not been work'd into the Form of any Instrument or Thing prepared for War, by Land or by Sea, shall not be reputed Contraband, much less such as have been already wrought and made up for any other Use; all which shall wholly be reckoned among free Goods; as likewise all other Merchandizes and Things which are not comprehended, and particularly mentioned in the preceding Article; so that they may be transported and carried in the freest manner by the Subjects of both Confederates, even to Places belonging to an Enemy, such Towns or Places being only excepted as are at that Time besieged, block'd up or invested.

ARTICLE

ARTICLE XXI.

To the End that all Manner of Dissentions and Quarrels may be avoided and prevented on one Side and t'other, it is agreed, That in case either of their Royal Majesties, Parties hereto, should be engaged in War, the Ships and Vessels belonging to the Subjects of the other Ally, must be furnished with Sea-Letters or Passports, expressing the Name, Property and Bulk of the Ship, as also the Name and Place of Habitation of the Master or Commander of the said Ship, that it may appear thereby, that the Ship really and truly belongs to the Subjects of one of the Princes; which Passports shall be made out and granted according to the Form annexed to this Treaty; they shall likewise be recalled every Year, that is, if the Ship happens to return home within the Space of a Year. It is likewise agreed, That such Ships being laden, are to be provided, not only with Passports as abovementioned, but also with Certificates containing the several Particulars of the Cargo, the Place whence the Ship sailed, and whither she is bound; that so it may be known whether any forbidden or contraband Goods, as are enumerated in the 19th Article of this Treaty, be on board the same; which Certificates shall be made out by the Officers of the Place whence the Ship set sail, in the accustomed Form. And if any one shall think it fit or advisable to express in the said Certificates the Person to whom the Goods on board belong, he may freely do so.

All Ships of Subjects on both Sides to be furnished with Passports and Certificates.

ARTICLE XXII.

The Ships of the Subjects and Inhabitants of either of their Most Serene Royal Majesties coming upon any Coast belonging to either of the said Allies, but not willing to enter into Port, or being entred into Port, and not willing to unload their Cargoes, or break Bulk, shall not be obliged to give an Account of their Lading, unless they should be

Ships not obliged to give Account of their Lading unless suspected.

suspected upon some manifest Tokens of carrying to the Enemy of the other Ally any prohibited Goods called contraband.

A R T I C L E XXIII.

If suspected, to produce their Passports and Certificates.

And in such Case of manifest Suspicion, the said Subjects and Inhabitants of the Dominions of either of their Most Serene Majesties, shall be obliged to exhibit in the Ports their Passports and Certificates, in the Manner before specified.

A R T I C L E XXIV.

Ships of War and Privateers to keep at Distance from Merchantmen at Sea, and only to send their Boat to examine the Passports.

That if the Ships of the said Subjects or Inhabitants of either of their Most Serene Majesties shall be met with, either sailing along the Coasts, or on the high Seas, by any Ship of War of the other, or by any Privateers, the said Ships of War or Privateers, for the avoiding of any Disorder, shall remain out of Cannon-Shot, and may send their Boats aboard the Merchant-Ship, which they shall so meet with, and may enter her to the Number of two or three Men only, to whom the Master or Commander of such Ship or Vessel shall exhibit his Passport, concerning the Property of the Ship, made out according to the Form inserted in this present Treaty; and the Ship, when she shall have shewed such Passport, shall be free and at liberty to pursue her Voyage, so as it shall not be lawful to molest or search her in any Manner, or to give her Chace, or force her to quit her intended Course.

A R T I C L E XXV.

Merchant-Ship making into an Enemy's Port, to produce Passport and Certificates.

The Merchant-Ship of either of the Parties, which shall be making into a Port belonging to the Enemy of the other Ally, and concerning whose Voyage and the Species of Goods on board her, there shall be just Grounds of Suspicion, shall be obliged to exhibit, as well upon the High Seas as in the Ports and Havens, not only her Passports, but likewise Certificates, expressly shewing that her Goods

Goods are not of the Number of those which have been prohibited, and which are specified in the 19th Article of this Treaty.

ARTICLE XXVI.

That if by the Exhibiting of the abovesaid Certificates, the other Party discover there are any of those Sorts of Goods which are prohibited and declared contraband by the 19th Article of this Treaty, and consigned for a Port under the Obedience of his Enemies, it shall not be lawful to break up the Hatches of such Ship, or to open any Chests, Coffers, Packs, Casks, or any other Vessels found therein, or to remove the smallest Parcels of her Goods, whether such Ship belong to the Subjects of *France* or of *Great Britain*, unless the Lading be brought on Shore in the Presence of the Officers of the Court of Admiralty, and an Inventory thereof made; but there shall be no Allowance to sell, exchange, or alienate the same in any manner, until after that due and lawful Process shall have been had against such prohibited Goods, and the Judges of the Admiralty respectively shall, by a Sentence pronounced, have confiscated the same, saving always as well the Ship itself, as any other Goods found therein, which by this Treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited Goods, much less shall they be confiscated as lawful Prize: But if not the whole Cargo, but only Part thereof shall consist of prohibited or contraband Goods, and the Commander of the Ship shall be ready and willing to deliver them to the Captor who has discovered them, in such Case the Captor having received those Goods, shall forthwith discharge the Ship, and not hinder her by any means freely to prosecute the Voyage on which she was bound.

On Discovery of contraband Goods, not to break up the Hatches.

Contraband Goods not to be alienated before Sentence.

Contraband Goods only to be confiscated, and not the Ship or other free Goods.

On delivering of the contraband Goods to the Captor, the Ship to go free.

ARTICLE

ARTICLE XXVII.

All Goods on board Enemies Ships confiscated, unless put on board before War declared, or within the Times and Distances specified.

On the contrary, it is agreed, That whatever shall be found to be laden by the Subjects and Inhabitants of either Party, on any Ship belonging the Enemy of the other, or to his Subjects, the whole, although it be not of the Sort of prohibited Goods, may be confiscated in the same manner as if it belonged to the Enemy himself, except such Goods and Merchandizes as were put on board such Ship before the Declaration of War, or even after such Declaration, if so be it were done within the Time and Limits following, that is to say, if they were put on board such Ship in any Port and Place within the Space of six Weeks after such Declaration within the Bounds called the *Naze* in *Norway*, and the *Soundings*; of two Months from the *Soundings*, to the City of *Gibraltar*; of ten Weeks in the *Mediterranean Sea*, and of eight Months in any other Country or Place in the World, so that the Goods of the Subjects of either Princes, whether they be of the Nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any Ship belonging to an Enemy before the War, or after the Declaration of the same, within the Time and Limits aforesaid, shall noways be liable to Confiscation, but shall well and truly be restored without Delay to the Proprietors demanding the same; but so as that if the said Merchandizes be contraband, it shall not be any ways lawful to carry them afterwards to any Ports belonging to the Enemy.

ARTICLE XXVIII.

All Injury on both Sides to be forbid, punished, and repaired.

And that more effectual Care may be taken for the Security of the Subjects of both their Most Serene Royal Majesties, that they suffer no Injury by the Men of War or Privateers of the other Party, all the Commanders of the Ships of the Queen of *Great Britain*, and of the Most Christian King, and all their Subjects, shall be forbid doing any Injury

or

or Damage to the other Side; and if they act to the contrary they shall be punished, and shall moreover be bound to make Satisfaction for all matter of Damage, and the Interest thereof, by Reparation, under the Pain and Obligation of their Person and Goods.

A R T I C L E XXXV.

All Ships and Merchandizes, of what Nature soever, which shall be rescued out of the Hands of any Pirates or Robbers on the High Seas, shall be brought into some Port of either Kingdom, and shall be delivered to the Custody of the Officers of that Port, in order to be restored entire to the true Proprietor, as soon as due and sufficient Proof shall be made concerning the Property thereof.

Ships or Goods rescued from Pirates to be restored.

A R T I C L E XXXVI.

It shall be lawful for the Ships of War of either of their Majesties, and Privateers, freely to carry whithersoever they please, the Ships and Goods taken from their Enemies, without being obliged to pay any Duty to the Officers of the Admiralty, or any other Judges; nor shall such Prizes be arrested or seized, when they come to and enter the Ports of either of their Most Serene Majesties; nor shall the Searchers or other Officers of those Places search the same, or make Examination concerning the Lawfulness of such Prizes, but they may hoist Sail at any Time, and depart and carry their Prizes to the Place expressed in their Commissions or Patents, which the Commanders of such Ships of War shall be obliged to shew: On the contrary, no Shelter or Refuge shall be given in their Ports to such as shall have made Prize of the Subjects of either of their Majesties; but if such should come in, being forced by Stress of Weather, or the Danger of the Sea, all proper Means shall be vigorously used, that they go out and retire from thence as soon as possible, so far

Free Ingress and Egress for Ships of War and Privateers with their Prizes, without any Duty, Search, or Molestation.

Captors of the Subjects of either Party not to be sheltered.

as this shall not be contrary to former Treaties made in this Respect with other Kings and States.

A R T I C L E XXXVII.

Capture of Ship or Goods of one Party, not to be suffered on the Coast or in the Port of the other.

Neither of their Most Serene Royal Majesties shall permit that the Ships or Goods of the other be taken upon the Coasts, or in the Ports or Rivers of their Dominions, by Ships of War, or others having Commission from any Prince, Commonwealth, or State whatsoever; and in case such a Thing should happen, both Parties shall use their Authority and united Force that the Damage done be made good.

A R T I C L E XXXIX.

In case of Torture committed, the Ship to be released, and the Guilty punished.

But if it shall appear that a Captor made use of any kind of Torture upon the Master of the Ship, the Ship's Crew, or others who shall be on board any Ship belonging to the Subjects of the other Party; in such Case, not only the Ship itself, together with all Persons, Merchandizes, and Goods whatsoever, shall be forthwith released without any further Delay, and set entirely free, but also such as shall be found guilty of so great a Crime, as also the Accessaries thereunto, shall suffer the most severe Punishment suitable to their Crime: This the Queen of Great Britan and the Most Christian King do mutually engage shall be done without any Respect of Persons.

Form of the Passports and Letters which are to be given in the Admiralty of France, to the Ships and Barks, which shall go from thence, according to the 21st Article of this present Treaty.

LEWIS Count of Thoulouse, Admiral of France,
to all who shall see these Presents, greeting;
We make known, that we have given Leave and
Permission to Master and Com-
mander

mander of the Ship called _____ of the Town of
 _____ Burthen _____ Tons or thereabouts, lying
 at present in the Port and Haven of _____ and
 bound for _____ and laden with _____
 after that his Ship has been visited, and before Sail-
 ing, he shall make Oath before the Officers who
 have the Jurisdiction of maritime Affairs, that the
 said Ship belongs to one or more of the Subjects of
 his Majesty, the Act whereof shall be put at the
 End of these Presents; as likewise that he will
 keep, and cause to be kept by his Crew on board,
 the marine Ordinances and Regulations, and enter
 in the proper Office a List signed and witnessed,
 containing the Names and Surnames, the Places of
 Birth and Abode of the Crew of his Ship, and of all
 who shall embark on board her, whom he shall not
 take on board without the Knowledge and Permif-
 sion of the Officers of the Marine; and in every
 Port or Haven where he shall enter with his Ship,
 he shall shew this present Leave to the Officers and
 Judges of the Marine, and shall give a faithful Ac-
 count to them of what passed and was done during
 his Voyage, and he shall carry the Colours, Arms,
 and Ensigns of the King and of us during his
 Voyage. In witness whereof, we have signed these
 Presents, and put the Seal of our Arms thereunto,
 and caused the same to be countersigned by our
 Secretary of the Marine at _____ the
 Day of _____ 17 _____ Signed *Lewis* Count of
Thoulouse, and underneath by

Form of the Act containing the Oath.

We _____ of the Admiralty of _____
 do certify that _____ Master of the Ship
 named in the above Passport, hath taken the Oath
 mentioned therein. Done at _____ the
 Day of _____ 17 .

Form

Form of the Certificates to be required of and to be given by the Magistrate or Officers of the Customs of the Town and Port in their respective Towns and Ports, to the Ships and Vessels which sail from thence, according to the Directions of the 21st Article of this present Treaty.

We *A. B.* Magistrate (or) Officers of the Customs of the Town and Port of *C.* do certify and attest, That on the Day of the Month of in the Year of our Lord 17 *D. E.* of *F.* personally appeared before us, and declared by a solemn Oath, That the Ship or Vessel called *G.* of about Tuns, whereof *H. I.* of *K.* his usual Place of Habitation, is Master or Commander, does rightfully and properly belong to him and others Subjects of Her Most Serene Majesty our most gracious Sovereign, and to them alone: That she is now bound from the Port of *L.* to the Port of *M.* laden with the Goods and Merchandize hereunder particularly described and enumerated, that is to say, as follows.

In witness whereof we have signed this Certificate, and sealed it with the Seal of our Office. Given the Day of the Month of in the Year of our Lord 17 .

AMERICAN

AMERICAN Treaty of Peace, good Correspondence, and Neutrality, between the Crowns of Great Britain and France; concluded at London, November 16. 1686.

ARTICLE I.

THAT from the Day of this present Treaty, there shall be between the *French* Nation and the *English* Nation, a firm Peace, Union, Agreement, and good Correspondence, as well upon Sea as upon Land, both in the Northern and Southern *America*, and in the Islands, Colonies, Forts, and Towns, (without Exception of Places) belonging to the Dominions of his Most Christian Majesty and of his *Britannick* Majesty, and under the Jurisdiction of the Governors of their said Majesties respectively.

Peace and Amity in all Parts of *America*.

ARTICLE II.

That no Ships or Vessels, great or small, belonging to the Subjects of his Most Christian Majesty, shall be fitted out or employed in the said Islands, Colonies, Fortresses, Towns and Governments belonging to his Most Christian Majesty, to attack the Subjects of his *Britannick* Majesty, in the Islands, Colonies, Fortresses, Towns and Governments belonging to his said *Britannick* Majesty, or to do them any Injury or Damage: And in like manner, no Ships or Vessels, great or small, belonging to the Subjects of his *Britannick* Majesty, shall be fitted out or employed in the said Islands, Colonies, Fortresses, Towns and Governments of his said Majesty, to attack the Subjects of his Most Christian Majesty in the Islands, Colonies, Fortresses, Towns and Governments of his said Majesty, or to do them any Injury or Damage.

Ships not to be fitted out in the Dominions of either to attack the other.

ARTICLE

ARTICLE III.

Soldiers or Subjects of the one not to do any Injury to those of the other, or assist the *Indians* against them.

That no Soldiers, armed Men, or any others whatsoever inhabiting and living in the said *English* Islands, Colonies, Forts, Cities, and Governments, or who shall come out of *Europe* to be in Garrison there, shall commit any Act of Hostility, or do any Injury or Damage, directly or indirectly, to the Most Christian King's Subjects in the said *French* Islands, Colonies, Forts, Cities, and Governments; neither shall they give any Assistance, or Supplies of Men or Victuals to the barbarous or wild *Indians* with whom the Most Christian King shall hereafter be at War.

In like Manner, no Soldiers, arm'd Men, or any other whatsoever inhabiting and living in the said *French* Islands, Colonies, Forts, Cities, and Governments, or who shall come out of *Europe* to be in Garrison there, shall commit any Act of Hostility, or do any Injury or Damage, directly or indirectly, to the King of *Great-Britain's* Subjects in the said *English* Islands, Colonies, Forts, Cities, and Governments, neither shall they give any Assistance or Supplies of Men or Victuals to the barbarous wild *Indians*, with whom the King of *Great-Britain* shall be at War.

ARTICLE IV.

Both Kings to retain all Rights and Dominions in *America*, according to their Right and present Possession.

That both Kings shall have and retain to themselves all the Dominions, Rights, and Pre-eminences in the *American* Seas, Roads, and other Waters whatsoever, in as full and ample manner as of Right belongs to them, and in such manner as they now possess the same.

ARTICLE V.

Subjects of either not to trade or fish in the Dominions, or on the Coasts of the other.

And therefore the Subjects, Inhabitants, Merchants, Commanders of Ships, Masters and Mariners of the Kingdoms, Provinces and Dominions of each King respectively, shall abstain and forbear

to

to trade and fish in all the Places possessed, or which shall be possessed by one or the other Party in *America*, viz. The King of *Great-Britain's* Subjects shall not carry on their Commerce and Trade, nor fish in the Havens, Bays, Creeks, Roads, Coasts or Places, which the most Christian King holds, or shall hereafter hold in *America*: And in like manner, the most Christian King's Subjects shall not carry on their Commerce and Trade, nor fish in the Havens, Bays, Creeks, Roads, Coasts or Places, which the King of *Great-Britain* possesses, or shall hereafter possess in *America*; and if any Ship or Vessel shall be found trading or fishing contrary to the Tenor of this Treaty, the said Ship or Vessel, with its Lading, Proof being made thereof, shall be confiscated; nevertheless, the Party who shall think himself aggrieved by such Sentence or Confiscation, shall have Liberty to apply himself to the Privy-Council of that King, by whose Governors or Judges Sentence was pronounced against him, so as the Execution of the Sentence shall not be stopp'd or hindered on that Account; but it is always to be understood, that the Liberty of Navigation ought in no manner to be disturbed, where nothing is done contrary to the genuine Sense of this Treaty.

Ships found so trading or fishing, to be confiscated.

Party aggrieved may apply to the Privy-Council of either King.

Liberty of Navigation not to be disturbed.

ARTICLE VI.

That in case the Subjects and Inhabitants of either of the Kings, with their Shipping, whether public and of War, or private and of Merchants, be forced through Strels of Weather, Pursuit of Pirates or Enemies, or any other urgent Necessity, for seeking of Shelter and Harbour, to retreat and enter into any of the Rivers, Creeks, Bays, Havens, Roads, Ports, or Shores belonging to the other Party in *America*; they shall be received and treated with all Humanity and Kindness, and enjoy all friendly Protection and Help; and they shall be permitted to refresh and provide themselves at

All Ships and Subjects of either forced into any Ports of the other, to be well received and supplied.

Not to unliver
their Cargo, or
take in any Mer-
chandize.

To hang out
their Colours, and
discharge a Mus-
ket on their
coming in.

reasonable and usual Rates with Victuals, and all Things needful for the Sustenance of their Persons, or Reparation of their Ships, and Conveniency of their Voyage; and they shall no ways be detained or hindered from returning out of the said Ports or Roads, but may remove and depart when and whither they please, without any Lett or Hindrance; and they shall be obliged to unliver their Cargo, or to carry out and expose to Sale any of their Goods or Merchandizes; and likewise on their Part, they shall not take in any Merchandizes on board their Vessels, nor employ themselves in fishing, under the Penalty of the Confiscation of their Ships and Goods, as in the foregoing Article is express'd; and it is further agreed, that whensoever the Subjects of either King shall be forced to enter with their Ships into the Ports of the other, they shall be obliged at their coming in to hang out the Flag or Colours of their Nation, and to give Notice of their Arrival by three Discharges of a Musket; in default of which, and of fending their Boat on Shore, they shall be liable to Confiscation.

ARTICLE VII.

Ships stranded,
wreck'd, or in
Danger to be as-
sisted.

If any Ships belonging to either of the Kings, their People or Subjects, shall, within the Coasts or Dominions of the other, stick upon the Sands, or be wreck'd (which God forbid) or suffer any other Damage, all friendly Assistance and Relief shall be given to the Persons ship-wreck'd, or such as shall be in Danger thereof; and Letters of safe Conduct shall likewise be given to them for their free and quiet Passage from thence, and the Return of every one to his own Country.

ARTICLE VIII.

Three or four
Ships forced in
together, not to
stay longer than
shall be allowed.

When it shall happen that the Ships of either Party (as abovementioned) through Danger of the Sea, or other urgent Cause, be driven into the Ports of the other; if they be three or four together, and
may

may give just ground of Suspicion, they shall immediately upon their Arrival, acquaint the Governor or chief Magistrate of the Place, with the Cause of their coming; and shall stay no longer than the said Governor or chief Magistrate will allow, and shall be requisite for supplying themselves with Provisions, and repairing their Ships.

ARTICLE X.

The Subjects of either Nation shall not harbour the barbarous or wild Inhabitants, or the Slaves or Goods which the said Inhabitants shall have taken from the Subjects of the other Nation; neither shall they give them any Assistance or Protection in their said Depredations.

Slaves or Goods taken from either Party by the *Indians*, not to be harboured.

ARTICLE XI.

The Governors, Officers, and Subjects of either King, shall not in any wise molest or disturb the Subjects of the other, in settling their respective Colonies, or in their Commerce and Navigation.

Neither Party to molest the other.

ARTICLE XII.

And the more to assure the Subjects of the King of *Great-Britain*, and of the most Christian King, that no Injury shall be offered them by the Ships of War or Privateers on either Side; all the Captains of the Ships of War of his Majesty of *Great-Britain*, as also of the most Christian King, and all their Subjects who fit out Privateers; and likewise their privileged Companies, shall be enjoined not to do any Injury or Damage whatsoever to the other; and if they do, they shall be punished, and be moreover liable to satisfy all Costs and Damages, by way of Restitution and Reparation, upon Pain and Obligation of Person and Goods.

Ships of War and Privateers on both Sides not to injure the other.

Party injuring to be punished, and obliged to Restitution.

ARTICLE XIV.

And whereas several Pirates roving up and down in the *American* Seas, as well Northern as Southern, do

Pirates not to be assisted or protected.

much Damage to Trade, and molest the Subjects of both Crowns in their Navigation and Commerce in those Parts; it is agreed, that strict Orders shall be given to the Governors and Officers of both Kings, that they give no Assistance or Protection to any Pirates, of whatsoever Nation they be; nor suffer them to have any Retreat in the Ports or Roads of their respective Governments; and the said Governors and Officers shall also be expressly commanded to punish, as Pirates, all such as shall fit out any Ship or Ships, without lawful Commission and Authority.

ARTICLE XV.

Subjects of either taking Commissions as Privateers against the other, to be punished as Pirates.

No Subjects of either King shall apply for, or take any Commission or Letters of Marque for arming any Ship or Ships to act as Privateers in *America*, whether Northern or Southern; from any Prince or State, with which the other shall be at War; and if any Person shall take such Commissions or Letters of Marque, he shall be punished as a Pirate.

ARTICLE XVII.

Concerning the Turtle Fishery.

The most Christian King's Subjects shall have Liberty to fish for Turtles in the Island of *Cayman*.

ARTICLE XVIII.

In Case of a War in *Europe* between the Parties, no Hostilities to be committed between their Subjects residing in *America*.

If any Breach should happen (which God forbid) between the said Crowns in *Europe*, no Act of Hostility, either by Sea or Land, shall however be done by any of the King of *Great-Britain's* Garisons, Soldiers or Subjects whatsoever, of the Islands, Colonies, Forts, Cities and Governments, which now are, or shall hereafter be under the *English* Dominion in *America*, against the most Christian King's Subjects inhabiting or residing in any of the *American* Colonies: In like manner and reciprocally in the Case aforesaid of a Breach in *Europe*, no Act of Hostility, either by Sea or Land, shall

shall be committed by any of the most Christian King's Garrisons, Soldiers or Subjects whatsoever, of the Islands, Colonies, Forts, Cities, and Governments, which now are, or hereafter shall be under the *French* Dominion in *America*, against the King of *Great-Britain's* Subjects inhabiting or residing in any of the *American* Colonies; but a true and firm Peace and Neutrality shall continue in *America* between the said *British* and *French* Nations, in the same Manner as if such Breach in *Europe* had not happened.

Treaty of Peace between Great-Britain and France; concluded at Utrecht, March 31, 1713.

ARTICLE XII.

THE most Christian King shall take care to have delivered to the Queen of *Great-Britain*, on the same Day that the Ratifications of this Treaty shall be exchanged, solemn and authentic Letters or Instruments, by Virtue whereof it shall appear, that the Island of *St. Christopher's* is to be possessed hereafter by *British* Subjects only; likewise all *Nova Scotia* or *Acadie*, with its ancient Boundaries; as also the City of *Port Royal*, now called *Annapolis Royal*, and all other Things in those Parts which depend on the said Lands and Islands; together with the Dominions, Property, and Possession of the said Islands, Lands and Places, and all Right whatsoever by Treaties, or any other way attained, which the most Christian King, the Crown of *France*, or any the Subjects thereof, have hitherto had to the said Islands, Lands and Places, and to the Inhabitants of the same, are yielded and made over to the Queen of *Great-Britain* and to her Crown for ever; as the most Christian King doth now yield and make over all the said Pre-

St. Christopher's, Nova Scotia, and the Fishery there, and Annapolis Royal quitted to the English.

misses, and that in such ample Manner and Form that the Subjects of the most Christian King shall hereafter be excluded from all Kind of fishing in the Seas, Bays and other Places on the Coast of *Nova Scotia*, that is to say, on those Coasts which lye towards the East, within thirty Leagues, beginning from the Island commonly called *Sable* inclusively, and thence stretching along towards the South-West.

ARTICLE XIII.

Newfoundland
quitted to the
English, with
Right reserved to
the *French* to
catch and dry
Fish there.

The Island called *Newfoundland*, with the adjacent Islands, shall from this Time forward belong of Right wholly to *Great-Britain*, and to that End the Town and Fortress of *Placentia*, and whatever other Places in the said Islands are in the Possession of the *French*, shall be yielded and given up within seven Months from the Exchange of the Ratifications of this Treaty, or sooner, if possible, by the most Christian King, to Persons having a Commission from the Queen of *Great-Britain* for that Purpose: Nor shall the most Christian King, his Heirs and Successors, or any of their Subjects, at any Time hereafter claim any Right to the said Island and Islands, or to any Part of it or them; moreover it shall not be lawful for the Subjects of *France* to fortify any Place in the said Island of *Newfoundland*, or to erect any Buildings there, besides Stages made of Boards, and Huts necessary and usual for drying of fish; or to resort to the said Island beyond the Time necessary for fishing and drying of Fish: But it shall be allowed to the Subjects of *France* to catch Fish and to dry them on Land, in that Part only and no other of the said Island of *Newfoundland*, which extends from the Place called *Cape Bonavista* to the Northern Point of the said Island; and from thence bearing down along the Western-Side, reaches as far as the Place called *Point Riche*. But the Island called *Cape Breton*, as also all others both in the Mouth of the River of *St. Lawrence*, and in the

Cape Breton to
belong to the
French.

the *Gulph* of the same Name, shall hereafter belong of Right to the *French*; and the most Christian King shall have full Liberty to fortify any Place or Places there.

Marine Treaty between the Crowns of Great-Britain and France; concluded at St. Germain, the 24th of February, 1676-7,

ARTICLE I.

ALL the Subjects of the most Christian King may sail, trade, and use all Kind of Traffick with full Freedom and Security in all the Kingdoms, Countries and Territories that now are, or hereafter shall be at Peace or in Neutrality with the said most Christian King, without being hindered or molested by the Ships of War, or any other Ship belonging to the King of *Great-Britain*, or his Subjects, upon the Account, or under Pretence of any War or Hostility now subsisting, or which may be hereafter between the said King of *Great-Britain*, and any other Princes or States, which now are, or hereafter may be at Peace and Neutrality with the said most Christian King; and reciprocally all the Subjects of the King of *Great-Britain*, may navigate, negotiate, and carry on all Manner of Traffick, with full Freedom and Security, in all the Kingdoms, Countries, and States, which now are, or hereafter shall be at Peace and Neutrality with the said King, without being disturbed or molested by any Ships of War, or other Ships whatsoever appertaining to the most Christian King, or his Subjects, upon the Account, or under Pretence of any War and Hostility now subsisting, or which hereafter may be between the most Christian King, and any other Princes or States which now are, or hereafter may be at Peace or Neutrality with the said King of *Great-Britain*.

Free Navigation
and Trade with
all neutral Powers.

ARTICLE II.

The same in
Time of War as
Peace, Contra-
band Goods ex-
cepted,

They may carry on Trade during a War, with all the same Merchandizes as in time of Peace, but with an Exception of all Contraband Goods, as explained in the following Article.

ARTICLE III.

Contraband
Goods specified.

Goods prohibited and Contraband are, Cannon and their Furniture, Fire-Arms, Powder, Match, Bullets, Pikes, Swords, Lances, Halberts, Partizans, Bombs, Mortars, Petards, Granadoes, Musket-Stocks, Bandaliers, Saltpetre, Ball, Head-Pieces, Shields, Cuirasses, and the like Armour: Under the same Name likewise, the transporting of Soldiers, Horses, Harnesses, Pistol-Stocks, Belts, and other Things appertaining to and used in War, is prohibited.

ARTICLE IV.

What Goods are
not to be deem'd
Contraband,

The following Merchandizes are not to be comprised in the Number of Prohibited and Contraband Goods, viz. Woollen, Linen, Silk, Cotton, or any other Stuffs and Manufactures whatsoever; all Sorts of Cloaths and Dresses made of Stuffs, or any other Matter; Gold or Silver, coined or uncoined, Tin, Iron, Lead, Copper, Coal, Corn, Barley, and other Grain, and Pulse; Tobaceo, Spices, salted and dry'd Flesh, dry and salt Fish, Cheese, Butter, Beer, Oil, Wine, Sugar, Salt, and every Thing appertaining to the Nourishment and Support of Life; nor Cottons, Hemp, Flax, Pitch, Cordage, Sails, Anchors, Masts, Boards, and Wood wrought of any Sort of Trees, and that may serve for building Ships or the Repair of them; but the said Commodities shall remain free, as well as all others in general, that are not comprehended in the preceding Article, in such Sort, that the Subjects of the most Christian King may not only transport the same from one neutral Place to another neutral Place,

Place, or from a neutral Place or Port to another belonging to an Enemy of the King of *Great-Britain*; or lastly, from a Place belonging to an Enemy, to a Place that is neutral, but also from one Port or Place belonging to the Enemy of the said King, to another likewise belonging to his Enemy, whether these Ports or other Places be under the Obedience of one Prince or State, or of several Princes or States, with one or all of which the King of *Great-Britain* shall be at War; the Subjects of the King of *Great-Britain* may reciprocally transport the said Merchandizes not only from one neutral Place to another neutral Place, or from a neutral Place or Port to any other belonging to an Enemy of the most Christian King; or lastly, from a Place belonging to an Enemy, to any other neutral Place; but also from a Port or other Place belonging to the Enemy of the said King, to another likewise appertaining to his Enemy, whether these Ports or Places be under the Obedience of one Prince or State, or of several Princes and States, with one or all of which the said most Christian King shall be at War: Nevertheless such Things must not be carried at all to Towns and Places besieged, block'd up or invested.

ARTICLE V.

In order to terminate all Differences that may arise, either by Sea or Land, it has been agreed, that the Ships or other Vessels belonging to the Subjects of the most Christian King, which shall enter into the Havens, or Ports of the King of *Great-Britain*, and would proceed elsewhere from thence, shall not be detained any longer than to produce and exhibit their Passports (the Form whereof is annexed to this Treaty) to the Officers of the said King; or, if there should be in the said Ports or Havens any Ships of War belonging to the King of *Great-Britain*, or any Privateers, to the Commanders of the said Ships, so as they shall not

Ships of either Nation producing Passports, not to be detained or molested.

not exact or demand any Money or other Things whatsoever on that Account: If any Ships or other Vessels appertaining to the Subjects of the most Christian King, be met with on the open Sea, or in such Places as are not under the Dominion of the King of *Great-Britain*, by the Ships of War of the said King, or others fitted out by his Subjects, the said Ships keeping at a reasonable Distance off, may send their Boat on board such Ships or Vessels of the Subjects of the most Christian King, and put two or three Men only on board, to the end that the Master or Owner may exhibit to them his Passport; after which they shall freely pass, without being any way molested, searched, stopped, or forced to alter their Course. The Subjects of the King of *Great-Britain* shall enjoy the same Freedom and Immunities, upon producing their Passports according to the Form before mentioned.

A R T I C L E VI.

Ships passing into an Enemy's Country, to produce Certificates and Passports.

If any Vessel or Bark belonging to the Subjects of the Most Christian King, and passing to a Country at Enmity with the King of *Great-Britain*, meets with a Man of War in her Passage, in like manner, if a Ship appertaining to the *English* or other Subjects of the King of *Great-Britain*, is met with going towards a Port belonging to an Enemy of the Most Christian King, it shall not be sufficient for her to exhibit her Passports, but also Certificates in due and authentick Form from the Officers and Searchers of the Customs, of such Ships going out of the Port which she came from, and containing an Account of all her Cargo, to the End that it may be known whether there are any contraband Goods on board, and such as are particularized in the Third Article of this Treaty.

A R T I C L E VII.

If by producing the said Certificates it be found that there are contraband Goods on board consigned
for

for an Enemy's Port, it shall not be allowed to go under the Deck of such Ship, nor to open or break any Chests, Bales, Casks, or Tuns, or take the least Thing out of her, 'till she is brought into Port, where a just Inventory shall be taken in the Presence of the Customhouse-Officers: And nothing therefore shall be sold or bartered till after a fair Trial before the Judge of the Admiralty-Court, and Sentence be passed for the Confiscation of such Goods: In which Confiscation nevertheless the Hulk of the Vessel, and the lawful Merchandize on board her shall not be comprized, nor may such free Goods be detained, much less be declared good Prize upon the account of the said contraband Goods. If the Vessel be laden but in part with contraband Goods, and the Master thereof offers at the same time, to put them into the Captor's Hands, he shall not then oblige him to go into any Port, but suffer him to continue his Voyage.

Contraband
Goods to be
confiscated.

Free Goods not
to be detained.

On Delivery of
contraband
Goods to the
Captor, the Ship
to go free.

ARTICLE VIII.

Merchandizes appertaining to the Subjects of the Most Christian King, which shall be found on board Ships belonging to the Enemies of the King of *Great Britain* shall be liable to Forfeiture, tho' they are not contraband; and on the contrary, the Goods of the Enemies of the King of *Great Britain* shall not be taken or confiscated; if they be found on board any Ships appertaining to the Subjects of the Most Christian King, altho' the said Goods make up the best Part of the whole Lading of such Ships; but still with an Exception of all Contraband, which when taken shall be disposed of in the Manner directed by the preceding Articles. In like manner, all Merchandizes belonging to the Subjects of the King of *Great Britain*, which are found on board any Ships belonging to the Enemies of the Most Christian King, shall be liable to Confiscation tho' they be not Contraband; and on the contrary, any Merchandizes of the Enemies of the said Most

All Goods in E-
nemies Ships for-
feited.

Free Ships make
free Goods, con-
traband excepted.

Christian King shall not be taken or confiscated if they are found on board any Ships appertaining to the Subjects of the King of *Great Britain*, tho' the said Merchandizes make up the best Part or the Whole of the Lading of the said Ships; but still with an Exception to contraband Goods; as to which when taken, they may be disposed of in manner as in the preceding Articles mentioned. And in order to prevent any future new War breaking out from proving injurious or prejudicial to the Subjects of either Side, which shall continue in Peace, it is agreed, that the Ships of any new Enemy laden with Effects and Merchandizes belonging to the Subjects of the other Party that shall be at Peace, shall not make them liable to Confiscation, if they have been laden therewith before the End of the Term hereafter specified, which Term shall be six Weeks after the Declaration of the War, between the *Soundings* and the *Naze in Norway*; two Months between the *Soundings* and *Tangier*; two Months and a half, in the *Mediterranean*; and eight Months in all other Parts of the World. So that the Effects of the Subjects of the Most Christian King, taken in the Vessels of any new Enemy of the King of *Great Britain*, may not be confiscated upon that Account, but shall forthwith be restored to the Owners, unless they have been put on board the said Ships after the Expiration of the respective Terms above-mentioned, however contraband Goods, which likewise in such Case are not liable to Confiscation for the Reasons aforesaid, must not be carried into an Enemy's Port; and reciprocally the Effects of the Subjects of the King of *Great Britain* taken on board the Ships of any new Enemies of the Most Christian King, shall not be confiscated upon that Account, but shall forthwith be restored to the Owners, unless they have been put on board after the End of the respective Terms before specified; nevertheless, contraband Goods, which shall not be

Times and Distances, as to Forfeiture of Goods in Enemies Ships on the breaking out of a War.

liable to Confiscation for the aforesaid Reasons, must not be conveyed into an Enemy's Port.

ARTICLE IX.

And for their more perfect Security, and that the Subjects of both Nations may be under no Apprehensions from the Ships of War, their Majesties shall give most strict Orders and Injunctions to all Captains of Ships and all Privateers, that they do no Injury or Damage to the Merchant-Ships, under the most severe Punishments; besides the strongest Obligations to make full Restitution and Reparation of all Damage to those whom they shall have wronged.

Ships of War and Privateers not to injure any Ships of the other.

ARTICLE XIV.

Whereas it sometimes happens, that the Ships which take Prizes in Time of War, treat the Masters, Pilots, and Passengers, taken therein, very inhumanly, in order to extort such Confession and Declaration from them as they have a mind to; it is agreed, that their Majesties shall prohibit such Treatment under the most severe Penalties, and shall cause all such as shall be convicted thereof to be punished according to their Demerit, and in such a Manner as may deter others from doing the like: And all Captains and Officers who shall be found guilty of such Barbarities and violent Doings, whether they have been committed by themselves, or have been caused or suffered to be done by them, shall forthwith be cashier'd; and they shall besides be proceeded against according to the Heinousness of the Crime; and every Vessel that shall be taken whereof the Mariners and Passengers shall have been ill used, shall be released and set at Liberty, (with her Cargo) without any further Examination or proceeding judicially or otherwise.

Tortures on board Prizes prohibited and punished.

*Treaty of Peace between Great-Britain and
France; concluded at Westminster, No-
vember the 3d, 1655.*

ARTICLE I.

Free Navigation
in Harbours.

THE People and Subjects of both Nations may safely and freely sail and ride at Anchor in each other's Harbours and Roads, as they shall think fit, without any Damage or Injury.

ARTICLE IV.

Free Navigation,
Passage and Com-
merce in Europe.

Commerce shall be intirely free betwixt the two Nations of *England* and *France*, and other People and Subjects, by Land and by Sea, and on the fresh Waters, through all and singular the Countries, Dominions, Territories, Provinces, Cities, Towns, Villages, and all other Places throughout *Europe*, where Commerce and Trade hath been used to be carried on; so that without any Letters of safe Conduct, or Application for any general or special Licence whatsoever, the People and Subjects of the said two Nations shall freely pass and repass, by Land, Sea, or on the fresh Waters, to the said Countries, Kingdoms and Dominions; and to all the Cities, Harbours, Shores, Stations, and Streights, and may enter all the Places and Harbours of either, with their Ships laden or unladen; and with Carriages, and with Beasts of Draught or Burthen, which are usually employed in carrying Merchandizes, and may there buy and sell what they please, paying only the Market-Price in such Places for such Necessaries as they may want, either for their Provision or their Voyage; and may likewise, as Occasion shall require, rig their Ships and repair their Carriages; and it shall be equally free for them to return to their own Country, or to go to any other Places at their own Discretion with their
Mer-

Merchandize, Goods, or any other Effects whatsoever, without Molestation; provided they pay the due Customs and Port Duties to the other Party, and a proper Regard be likewise had to all the Laws and Ordinances of the Country.

ARTICLE XVI.

Both Parties shall strictly command the Admirals and Commanders of the Fleets, and all other their Sea Captains whatsoever, either carrying their Flags, or bearing Commissions from them, or acting in their Service, not to seize, take, or in any Manner to obstruct or damage the Ships, Vessels, Goods, or Merchandize of the People or Subjects of the other; but that they diligently observe this Treaty and Convention; and all Contraveners shall make Satisfaction to the Party concerned, by suffering corporal Punishment, according to the Nature of the Offence, and by making Reparation for the Damage done by them, if they are able; but if they should not be able, then that Confederate to whom the Offenders belong, shall satisfy and repair the Damage within three Months after Knowledge thereof and Satisfaction demanded; and all Ships of War meeting any Merchant Ships of either Party, shall protect them, while they keep the same Course, against all who shall offer them any Violence.

Sea Commanders of either Party not to injure the other, on pain of Restitution and Punishment.

ARTICLE XVII.

If the Commanders of any Ships belonging to either Party, or to their People, shall take any Prize at Sea, they shall within twenty-four Hours after their coming into Port, deliver all the Books of Accompts, Papers, Cockets, and Bills of Lading, which they shall have found in such Prizes, to the Judges of the Admiralty, to the Intent that any Person interested may take Copies of the same; and where there shall be no Judge of the Admiralty, the said Papers and Books shall be delivered

All Books and Papers of a Prize Ship to be delivered to the Judge of the Admiralty.

Men or Goods
not to be taken
out, but by Au-
thority of the
Court.

to the Officers of such Places, who shall send the same sealed up to the Judges of the Admiralty; during which, the Mariners on board the Prizes shall not be taken out; nor any Part of the Cargo touched, or any of the Goods set a shore, unless by the Authority of the Court of Admiralty; and a Schedule shall be made of all the Goods, in the Presence of those whom it concerns, who shall also have a Copy of the said Schedule from the Judge.

ARTICLE XVIII.

Officer or Mari-
ner of a Prize, not
to be carried
away, but in or-
der to be exami-
ned.

The Commanders and Captains of any Ships, which shall take any Prizes at Sea, shall not take out of her the Captain, Master, or any Mate or Mariner, unless for the Purpose of examining them; and in that Case they shall not take out above two or three, who shall be carried within the Space of twenty-four Hours before the Judge of the Admiralty; or if there be no such Judge in the Place, before the Magistrate or Officers of the Place, who shall examine them; and such Examination being finished within the same Space of Time, the said Judge or Magistrate shall dismiss them freely, every one to their own Business: All Contraveners hereto shall suffer corporal Punishment.

ARTICLE XIX.

Pirates not to be
harboured or as-
sisted, but pursued
and punished:

Neither of the Confederates shall receive any Pirates or Robbers into any of their Ports, Havens, Cities or Towns; nor shall they permit them to be received by their People or Inhabitants, or to be harboured, assisted, or supplied; but shall use their Endeavours that such Pirates and Robbers, and their piratical Accomplices, Partners and Assistants, shall be pursued, apprehended, and duly punished, for a Terror to others; and all Ships, Goods and Merchandize, piratically taken by any such, and brought into the Ports of either Confederate, as much as can be found thereof, although they have been already sold to others, shall be restored to the

Ships and Goods
piratically taken,
to be restored.

right

right Owners, or Satisfaction made for the same to their Owners, or to those who shall lay Claim to the same, by Virtue of Letters of Attorney; provided the Owners Right appear from due Proofs according to Law in the Court of Admiralty; and whatever Goods shall be recovered from them, shall be carried into the Ports of either Confederate, and be delivered to the Custody of the Officers of the Port, who shall be responsible for the same; if the said Goods are not restored without Delay to their Owners, after Proof first made of the true Property thereof before the Judges of those Places, where the Goods taken by the Pirates were put on board the Ship: Nevertheless all Persons accused shall be allowed to try their Right by Law, and to make their Defence.

ARTICLE XXII.

The People and Inhabitants of *Great-Britain* may freely and securely sail and traffick in all the Kingdoms, Dominions and Territories which cultivate Peace, Friendship or Neutrality with them; nor shall they be any ways molested by the Ships or Subjects of *France*, although there should be Enmity and Hostility between *France* and the said Kingdoms, Dominions and Territories, or any of them: And the same shall likewise be observed on the Part of *Great-Britain* towards the Subjects and Inhabitants of *France*; provided that such Trade be not carried to any Port or Town which is besieged by either of the Confederates, and that neither Party, nor the People or Subjects of either, shall import any Prohibited and Contraband Goods to those Kingdoms, Dominions or Territories, which are at Enmity or War with the other.

Free Passage and Commerce in all neutral Places at Enmity with the other; Places besieged and Contraband Goods excepted.

ARTICLE XXVI.

For the better promoting of Commerce on both Sides, it is agreed, that if a War should break out between the said two Nations of *England* and *France*,

Six Months allowed to Subjects on both Sides in case of a War.

six Months after the Proclamation of War, shall be allowed to the Merchants, in the Cities and Towns where they live, for selling and transporting their Goods and Merchandize; and if any thing be taken from them, or any Injury be done them within that Term by either Party, or the People or Subjects of either, full Satisfaction shall be made for the same.

Marine Treaty between Great-Britain and France; concluded at St. Germain's, March 29, 1632.

ARTICLE III.

FOR as much as under the Pretext of Search or Visit that may be made by the Ships of War of the one or the other Prince, or their Subjects at Sea, of Merchant Ships, to know whether they are laden with Merchandizes prohibited, or belonging to the Enemy, there have been several Outrages committed for the Time past, which have, without any lawful Cause, hindered the Course of the said Ships, and occasioned many other great Damages to Merchants; to obviate such Inconveniences, it has been agreed, that such Ships of War happening to meet such Merchant Ships at Sea, may order them to strike, which the said Merchant Ships shall be obliged to do, and to present their Licences, Commissions, and Bills of Lading, to the Captains, or such as they shall send aboard the said Merchant Ships, into which more than two or three at most may not enter, nor exact or take any Duties under Pretext of such Visit; which done, if those of the said Ship of War will not forbear, notwithstanding, to stop the Voyage of the said Ships, whether by carrying them along with them, or obliging them to go aside out of their Course, the said People belonging to the Ship of War shall in that Case be answerable for all the Expences, Damages, and Interests, and besides be punished corporally, according as the Quality and Circumstances

of

Merchant Ships to strike to Men of War, and present their Commissions and Bills of Lading.

Not to be hindered or taken out of their Course.

of the Fact shall require; for which Expences, Damages, and Interests, not only the Delinquents shall answer, but likewise those who furnished them with Arms and Provisions, and put them to Sea.

ARTICLE V.

The Captains, Lieutenants, and the Masters of Ships that shall take any Prize, shall be obliged within twenty-four Hours after their Arrival, to lay all the Books of Accompts, Papers, Licences, Commissions, and Bills of Lading, which they shall find in the Ships they take, before the Judge of the Admiralty, or his Clerk, that so the Parties interested may take Copies thereof for their Use; and where there is no Judge of the Admiralty, the said Papers and Bills of Lading shall be put into the Hands of the King's Officers, to be sent closed up and sealed to the Judge of the Admiralty.

Books and Papers of Prizes to be laid before the Judges of Admiralty.

ARTICLE VI.

In like Manner the said Captors shall be obliged to bring along with them the Persons whom they found in the said Ships, or at least the Captain and Master; or two or three of the principal Officers, and present them within twenty-four Hours to the Judge of the Admiralty to be examined; and in case there be no Judge of the Admiralty, before the Mayors of the Towns, or the King's Officers: And they may not hold or keep them Prisoners in their Houses beyond that Time, on Pain of being punished, and losing the Prize; and after the said Prisoners shall have been heard and examined, the said Judge shall be obliged to set them at Liberty, to follow their Affairs as they shall think good.

Officers of a Prize Ship to be examined before the Judge of the Admiralty.

ARTICLE VII.

When any Prizes are brought into any Harbours or Ports, the Mariners and Seamen belonging to them shall not be forced away from their said Ships,

Men or Goods not to be taken from on board Prizes without an Order.

nor any of their Goods put a-shore, without a previous Order from the Judge, and an Inventory made by him or his Deputies, in Presence of the principal Persons concerned, whereof a Copy shall be delivered to them from the said Judge.

Treaty of Alliance between Great-Britain and France; concluded at London, August the 29th, 1610.

ARTICLE XXXIII.

Goods taken from Pirates to be brought into Port and there lodged.

THAT all the Goods that shall be taken by the Captains and other Officers of the one or the other Prince from Pirates, shall be brought respectively to some Port of the one or the other Kingdom, and there put under good and safe Custody of the Admiral, Vice-Admiral, or other Officers of the said Ports; which Officers shall be bound to answer for the said Goods in their own Name.

ARTICLE XXXIV.

Such Goods to be restored to the Owners, Subjects of either Party.

That all the Goods which shall be thus taken and recovered from Pirates, whether they be in Gold or Silver Money, or other Merchandizes appertaining to the Subjects of either of the said Kings, shall be rendered and restored to the true Owners and Proprietors of the same, without any Delay, after having first made legal Proof of the Property thereof.

Treaty of Peace between England and France; concluded the 24th of March, 1549.

ARTICLE II.

1549.

IT is agreed and concluded, that as long as this Peace and Friendship shall continue, all and singular

singular the Inhabitants of both the said Kingdoms, and of all the Lands and Dominions which now are, or hereafter shall be possessed by either of the said Kings, of whatsoever Dignity, State, and Condition, shall receive and treat each other with all friendly Usage, and mutual good Offices, and may freely, safely, and securely pass and repass too and fro', by Land and by Sea, and on Rivers; sail and traffick with each other, buy and sell, and abide there as long as they think fit, or retire and depart from thence whenever they please, into their own, or any foreign Nation or Place whatsoever, and carry with them what Things they shall have acquired or purchased by their Industry and Labour, or any other lawful Arts or Means whatsoever, without any Impediment, Molestation, or Restraint, safe Conduct, Licence, or special Commission, in such Manner as they lawfully might by Virtue of ancient Treaties and Alliances, saving always the Laws, Statutes, and Customs of the said Kingdoms.

Universal Peace
and Amity.

Free Navigation,
Passage and Com-
merce.

*Treaty of Peace and Alliance between England
and France; concluded at the Camp, between
Ardres and Guines, June the 7th, 1546.*

A R T I C L E III.

TH A T all and singular the Vassals and Subjects of both the said Princes, and of their Heirs and Successors, whether they be Princes, Archbishops, Bishops, Dukes, Marquesses, Earls, Barons, or Merchants, or of what State and Condition soever, shall, during the said Peace, conduct and behave in all Places in the most kind and friendly Manner, performing all mutual good Offices towards each other; and may freely, safely, and securely, without the Hindrance of any one, or any safe Conduct or Licence, travel in all Places,

1546.

Peace and Amity.

Free Navigation,
Passage and Com-
merce.

by Land or by Sea, or on fresh Waters, and sail and come into the Ports, Dominions and Districts whatsoever of both the said Princes, their Heirs and Successors, provided they do not exceed the Number of an hundred arm'd Men together, and may abide there as long as they please, trade, buy and sell all Goods, Merchandizes, and Jewels whatsoever, if not prohibited by the Laws and Ordinances of the said Kingdoms respectively; and may freely depart from thence to their own Countries, or elsewhere at their Pleasure; and as often as they please, with their own, or hired or borrowed Vessels, Carriages, Horses, Armour, Merchandize, Baggage, Goods and Things whatsoever, without any Impediment, Molestation or Arrest, by Reason of any Marque, Countermarque, or Reprisals, or other Distress whatsoever, as well upon Land as upon Sea, and in fresh Waters, in the same Manner as they lawfully might, by Virtue of ancient Treaties and Alliances.

This last recited general Article of Commerce and free Intercourse is inserted almost verbatim in a preceding Treaty of Peace and Commerce; concluded at *Moore*, in 1525; as likewise in the three temporary Treaties of 1514, 1492, and 1478.

Articles

Articles and Clauses of Treaties subsisting between Great-Britain and France; containing the Continuance, Renewal, and Confirmation of former Treaties between the two Crowns.

Treaty of Peace between Great-Britain and France, and Spain; concluded at Seville, November the 19th, 1729.

ARTICLE I.

1729.

ALL former Treaties and Conventions of Peace and Friendship, and Commerce, concluded between the contracting Powers respectively, shall be, as they hereby are, effectually renewed and confirmed, in all those Points which are not derogated from by the present Treaty, in as full and ample Manner as if the said Treaties were here inserted Word for Word; their said Majesties promising not to do, or suffer any thing to be done, that may be contrary thereto, directly or indirectly.

All former Treaties confirmed,

ARTICLE IV.

It having been agreed by the preliminary Articles, that the Commerce of the *English* and *French* Nations, as well in *Europe* as in the *Indies*, should be re-established on the foot of the Treaties and Conventions antecedent to the Year 1725; and particularly that the Commerce of the *English* Nation in *America*, should be exercised as heretofore; it is agreed by the present Article, that all necessary Orders shall be dispatched on both Sides, without any Delay, as well for the Execution of the said Treaties of Commerce, as for supplying what may be wanting for the entire Re-establishment of

Commerce settled on the Foot of Treaties preceding the Year 1725.

Commerce on the Foot of the said Treaties and Conventions.

Treaty of Peace between Great-Britain and France; concluded at Utrecht, March the 31st, 1713.

1713.

Free Navigation
and Commerce
as before the last
War.

ARTICLE VII.

THAT there be a free Use of Navigation and Commerce between the Subjects of both their Royal Majesties, as it was formerly in Time of Peace, and before the Declaration of the last War; and also as it is agreed and concluded by the Treaty of Commerce, this Day made between the two Nations.

Treaty of Peace between Great-Britain and France; concluded at Reswick, September the 10th, 1697.

1697.

Free Navigation,
Passage and
Trade as before
used.

ARTICLE V.

THAT there be a free Use of Navigation and Commerce between the Subjects of both the said Kings, as was formerly in the Time of Peace, and before the Declaration of the late War; so that every one of them may freely come into the Kingdoms, Marts, Ports and Rivers, of either of the said Kings, with their Merchandizes, and may there continue and trade without Molestation, and shall use and enjoy all Liberties, Immunities, and Privileges granted by solemn Treaties and ancient Customs.

American

American Treaty of Commerce between Great-Britain and France; concluded at London, November the 16th, 1686.

ARTICLE XIX.

THIS present Treaty shall not in any wise 1686.
derogate from the Treaty concluded between Treaty of Bredah
the most Serene Kings at *Breda*, July 21, 1667: 1667, confirmed.
But all and singular the Articles and Clausés of the
said Treaty shall remain in Force and be observed.

General Treaty of Commerce between Great-Britain and France; concluded at St. Germain, February the 24th, 1676-7.

P R E A M B L E.

AS the Kings of *France* and *Great-Britain* have 1676-7.
no greater Desire than to strengthen anew Freedom and Se-
the Friendship that is between the said Kings, and curity of Com-
the faithful and sincere Union that is between their merce.
Subjects and Kingdoms; their Majesties believed
nothing could contribute more thereunto, than a
new Treaty about the Freedom and Security of
Commerce; and they have to this End named
Plenipotentiaries, who have agreed upon the fol-
lowing Articles.

Treaty of Peace between Great-Britain and France; concluded at Bredah, July 21, 1667.

ARTICLE II.

AL L Enmities, Hostilities, Discords and Wars, 1667.
shall cease and be for ever abolished between Peace and Amity
the said two Kings; so as they shall for the future by Sea and Land.
forbear to pillage or injure each other; nor shall
they molest or incommode one another in any
Man-

Manner whatsoever, either by Sea or Land, or on Rivers, in any Part of the World whatsoever, and especially within the Extent and Limits of their own Kingdoms, Lands, Dominions, or Places whatever.

ARTICLE IV.

Free Navigation
and Commerce as
before used.

Navigation and Commerce shall be free between the Subjects of both the Kings, as it was during the Peace, and before the Declaration of the last War; so as they may freely and without Molestation, go with their Goods into each other's Kingdoms, Provinces, Places of Commerce, Ports and Rivers, and there abide and traffick.

Act of the Oath taken by the King of France and the Queen Regent, whereby they confirm all former Treaties made with Great-Britain.

1644.

WE Lewis King of France and Navarre, do swear and promise, in the Presence of Lord Goring, Ambassador extraordinary, specially appointed and sent for this Purpose by the King of Great-Britain, that we will observe and fulfil all and singular the Points and Articles which have been agreed to and established by the Treaties, which have been made and concluded by the Kings our Predecessors between our respective Kingdoms, States, Countries, and Subjects; and more especially those made in the Years 1606, 1610, 1625, 1629, and 1632, in such Manner as they have been established and ratified, and according as they shall be found to derogate the one from the other: Which Treaties and Articles we have approved and confirmed, and do now swear and promise in most solemn Manner, that we will observe the same, and never contravene any Points or Articles of the said Treaties, directly or indirectly; nor will we, to the utmost of our Power, suffer the same to be violated in any Manner:

Treaties of 1606,
1610, 1625,
1629, and 1632,
confirmed.

And

And We *Anne*, Queen Regent of *France* and *Navarre*, having likewise on our Part, as far as in us lies, agreed to, approved and ratified the said Treaties, do now, by Virtue of our Oath, confirm and promise a due Observance of the same, and that they shall not be contravened in any Sort.

Treaty of Commerce between Great-Britain and France; concluded at St. Germain's, 1632.

ARTICLE VIII.

BY these present Articles, the said Kings do not mean to derogate from preceding Agreements and Treaties made between them, which shall remain in their Force and Virtue; but only in so far as shall be derogated from them by these Presents, and particularly, that the Treaties of 1606, and 1610, shall be duly and faithfully executed.

1632.

Treaties of 1606, and 1610, confirmed.

Treaty of Peace and Alliance between Great-Britain and France; concluded at Susa, April the 24th, 1629.

ARTICLE I.

THE two Kings shall agree to renew the ancient Alliances between the two Crowns, and to preserve them inviolably, together with opening a safe and free Commerce.

1629.

Safe and free Commerce.

The Declaration of the King of France, for the Re-establishment of Commerce with England, being a Sequel and Part of the said Treaty of 1629.

LEWIS King of *France* and *Navarre*. To all, &c. Although by the Publication which we have already ordered to be made through our

1629.

Sure and free
Commerce by Sea
and Land. J

Kingdom and Dominions of the Peace settled between us and the King of *Great-Britain*, it be expressly signified that Trade and Commerce shall for the future be safe and free between our Subjects and his, by Sea and Land, as it was before the last War; nevertheless, we have thought it proper to dispatch our express Letters of Declaration; and We do say and declare by these Presents, signed with our own Hand, that our Will and Intention is, that for the future there be a sure and free Commerce and Trade, both by Sea and Land, between our Subjects and those of the King of *Great-Britain*; We will, ordain, and it is our Pleasure, that upon this Account they have all safe and free Access to our Ports, Harbours and Towns, and may bring there all Sorts of Merchandizes, sell, truck, and exchange the same; buy and transport other Merchandizes of our Kingdoms, (except such as are prohibited by our Orders) all in the same Manner as they did before the Wars, notwithstanding any Prohibitions formerly made by us to the contrary, which We have and do remove and take away in Favour of the said Treaty of Peace.

Treaty of Alliance between Great-Britain and France; concluded at London, August the 29th, 1610.

ARTICLE I.

1610.

Preceding Treaties confirmed.

THAT by any of the Compacts, Conventions, Articles or Points contained in this Treaty, it is not meant in any Sort to depart from the preceding Treaties and Alliances made between the said Kings or their Predecessors, either for the Kingdoms of *France* and *England*, or of *France* and *Scotland*; but that notwithstanding, they shall remain in their full Force and Vigour; provided they

they be not contrary or repugnant to this present Treaty of Union, or any Articles contained therein.

Treaty of Commerce between Great-Britain and France; concluded at Paris, February the 24th, 1605-6.

ARTICLE I.

THAT the preceding Treaties shall not in 1606.

any wise be thought to be departed from by any Article or Matter contained in this present Treaty, but they shall remain in their full Strength, Force and Vigour, excepting only so far as any thing is derogated from them by this present Treaty.

Preceding Treaties confirmed.

Treaty of Alliance between England and France; concluded at Greenwich, May the 14th, 1596.

ARTICLE I.

ALL former Alliances and Treaties which 1596.
have been in Force till this present, between the Queen of *England* and the King of *France*, and their Kingdoms, shall be confirmed, and remain in their former Force and Vigour; and it shall not be thought that they are departed from in any Point, but in so far as is derogated from them by this present Treaty.

All former Alliances and Treaties confirmed.

Treaty

*Treaty of Alliance between England and France;
concluded at Blois, April the 23d, 1572.*

ARTICLE I.

1572.

Preceding Treaties and Alliances confirmed.

NO Articles or Agreement contained in this present Treaty, shall be deemed to intend or imply a Departure from preceding Treaties or Alliances formerly entered into by the said Confederates, or their Predecessors; but they shall, notwithstanding, remain in their full Force, Virtue and Vigour, in so far as they are not contrary or repugnant to this present Treaty, or any Articles therein contained.

Treaty of Peace and Alliance between England and France; concluded at Trojes, the 11th of April, 1564.

ARTICLE I.

1564.

Perpetual Peace and Amity.

THERE shall be a true, firm, solid, sincere, perpetual and inviolable Peace, Friendship, Union, Confederacy, League, mutual good Understanding, and true Concord, by Sea and Land, and in all Places to endure, to all future Ages, between the Queen of *England* and King of *France*, their Heirs and Successors, and all their Subjects and Vassals whatsoever.

Treaty

Treaty of Peace, and Commerce between England and France ; concluded April the 5th, 1515.

ARTICLE V.

AS to what concerns the mutual Dealing, Commerce and Intercourse of Merchandizes between the Subjects of both Kingdoms, the said Subjects shall in all things esteem and treat one another in the same Manner as they were obliged to do at the Time of the last Peace.

1515.

Commerce and Intercourse as before used.

The Definitive Treaty of Christian, universal, and perpetual Peace, Friendship and Union; concluded at AIX-LA-CHAPELLE, on the 7th of October, 1748.

ARTICLE XVI.

THE Treaty of the *Affiento*, signed at *Madrid* the 27th of *March*, 1713, and the Article of the annual Ship, making Part of the said Treaty, are particularly confirmed by the present Treaty for the four Years during which the Enjoyment was lost since the Commencement of the present War, and shall be executed on the same Footing, and on the same Conditions, they have been, or might be before the said War.

1748.

The Treaty of the *Affiento* and the annual Ship confirmed.

ARTICLE XVII.

Dunkirk shall remain fortified on the Land Side in its present State, and for the Sea Side on the Footing of ancient Treaties.

Of

ARTICLE IX.

Of the separate ARTICLES.

Two Hostages to
continue in *France*
'till the Restitu-
tion of *Cape Bre-*
ton.

His Britannick Majesty engages on his Side to send to the most Christian King, immediately after the Exchange of the Ratifications of the present Treaty, two Persons of Rank and Condition, to continue in *France* as Hostages 'till such Time as they have certain and authentick Advice of the Restitution of the Royal Isle called *Cape Breton*, and of all the Conquests that the Arms or Subjects of his Britannick Majesty may have made before or after the Signature of the Preliminaries, in the *East* and *West-Indies*. Their Britannick and most Christian Majesties oblige themselves likewise to remit, on the Exchange of the Ratifications of the present Treaty, the Duplicates of the Orders addressed to the Commissaries respectively appointed to restore and receive all which may have been conquer'd on each Side in the *East* and *West-Indies*, conformable to the second Article of the Preliminaries, and to the Declarations of the 21st and 31st of *May*, and the 8th of *July* last, in what concerns the said Conquests in the *East* and *West-Indies*.

Be it well understood nevertheless, that the Royal Isle, called *Cape Breton*, shall be restored with all the Artillery and Ammunition found therein on the Day of its Surrender; and as to the other Restitutions, they shall have their Effect conformable to the Tenor of the 11th Article of the Preliminaries, and the Declarations and Conventions of the 21st and 31st of *May*, and the 8th of *July*, in the State wherein Things were found on the 11th of *June*, N. S. in the *West-Indies*, and the 31st of *October*, likewise N. S. in the *East-Indies*. All other Things to be restored on the Footing they were before the present War.

Treaty of Peace between Great-Britain and Spain; concluded at Utrecht, July 2, 1713.

A R T I C L E VIII.

THAT there be a free Use of Navigation and Commerce between the Subjects of both Kingdoms, as it was heretofore in Time of Peace, and before the Declaration of the late War, in the Reign of *Charles* the Second, King of *Spain*, according to the Treaties of Friendship, Alliance and Commerce, which were formerly made between both Nations, and according to ancient Customs, Letters Patent, Schedules, and other special Acts; and also according to the Treaty or Treaties of Commerce newly made, or forthwith to be made at *Madrid*.

1713.

Free Navigation and Commerce as before the late War.

Treaty of Navigation and Commerce between Great-Britain and Spain; concluded at Utrecht, November 28, 1713.

A R T I C L E I.

THE Treaty of Peace, Commerce, and Alliance concluded at *Madrid* between the Crowns of *Great-Britain* and *Spain*, the 13th Day of *May*, 1667, is ratified and confirmed by this present Treaty; and for the greater Coroboration and Confirmation thereof, it has been thought proper to insert the same here verbatim; together with the Royal Schedules or Ordinances thereto annexed, as follows.

1713.

Treaty of Peace and Commerce of 1667, confirmed.

E

Treaty

Treaty of 1667, between Great-Britain and Spain.

A R T I C L E I.

1667.

Universal and
perpetual Peace
and Amity.

I T is agreed and concluded, that there shall be an universal, good, sincere, true, firm and perfect Amity, Confederation and Peace, between the Crown of *Great-Britain* on the one Part, and the Crown of *Spain* on the other; and also between the Lands, Countries, Kingdoms, Dominions and Territories belonging unto, or under the Obedience of either of the said Kings; which shall endure from this Day for ever, and shall be inviolably observed, as well by Land as by Sea, and on all Waters; and that the Subjects and People of the said Kings, and the Inhabitants of their Dominions, of what Degree or Condition soever, shall reciprocally help, assist, and shew to each other all kind of Benevolence and mutual good Offices and Friendship.

A R T I C L E II.

Free Access and
Traffick in all
Places where
before used or al-
lowed to any other.

Neither of the said Kings, nor their respective People, Subjects or Inhabitants within their Dominions, shall, upon any Pretence whatsoever, either openly or secretly, attempt, do, or procure to be done, any thing which may be of Damage or Detriment to the other Party, in any Place whatsoever, either by Sea or by Land, or in Ports or Rivers, but they shall treat each other with all Love and Friendship: Moreover, either Party shall have free and safe Access and Admittance, as well by Sea as by Land, into the Countries, Kingdoms, Islands, Dominions, Cities, Towns wall'd or not wall'd, fortified or unfortified, of the other Party; and likewise into their Harbours and Ports, wherever Trade and Commerce did use before Time to be carried on, so as every Person of the one Party or the other may buy, sell, and carry on all Manner of Trade, and traffick in what Place soever he will belonging to

to the other Party, with the same Freedom and Security as they trade with their own Fellow-Citizens or Countrymen; or as any other foreign Nation whatever does, which is allowed to frequent the said Places of either Party.

ARTICLE III.

The Kings of *Great-Britain* and *Spain* shall take most special Care, that their respective Subjects and People do from henceforward abstain from all Force, Wrong and Violence to each other.

Both Sides to abstain from all Wrong.

ARTICLE IV.

That between the King of *Great-Britain* and King of *Spain*, and their respective Subjects, People and Inhabitants, there shall be allowed on both Sides a free Liberty and Power of trading, and of setting on Foot and carrying on all Manner of Commerce; as well by Sea as by Land, and upon all Waters, throughout all and singular the Kingdoms, Countries, Territories, Provinces, Islands, Colonies, Cities, Towns, Villages, Ports, Rivers, Creeks, Bays, Streights, and Currents, under the Obedience of either King, where Trade or Commerce hath at any time heretofore been used to be carried on; so as, without Letters of safe Conduct, or other Form of general or special Licence, the People and Subjects on both Sides may, as well by Land as by Sea, and upon the fresh Waters, freely navigate and pass into the Countries, Kingdoms, Dominions, Cities, Ports, Currents, Bays, Districts, and other Places whatsoever under the Obedience of either of the Confederates; and may come and enter into any Ports whatsoever as they shall think fit, with their Ships laden or unladen, and with all Kind of Merchant Ships, and Carriages whatsoever; and when they have enter'd into such Ports, they may buy, sell and barter all Kind of Merchandize whatsoever, of what Value, or to what Quantity soever; they may likewise provide themselves at just and usual Rates with

Free Navigation, Passage and Trade, by Land and Water where before used, without Letters of Licence or safe Conduct.

Right and Customs, Laws and Ordinances of both Kingdoms saved.

Victuals, and all Kind of Provisions necessary either for their Subsistence or Voyage; and repair and fit out their Ships and other Vessels of Burthen and Carriages; and likewise remove from thence, and freely depart with their Ships and other Vessels of Burthen, Goods, Merchandizes and Effects, where-soever they shall think fit, whether they be minded to return to their own Countries, or to proceed elsewhere, without any Molestation or Impediment; saving always on both Sides, the Rights, Customs and Duties to be demanded and paid; saving likewise the Laws and Ordinances which have been made and observed throughout the several Dominions and Countries of both the said Kings.

ARTICLE VIII.

All Privileges of the Treaty of Munster 1648, granted to the Subjects of Great-Britain.

For what may concern both the *Indies*, and any other Parts whatsoever, the Crown of *Spain* doth grant to the King of *Great-Britain* and his Subjects, all that was granted to the united States of the Low Countries, by the Treaty of *Munster* made in the Year 1648, in as strong and ample Manner, as if the same were here inserted, in every Article and Point thereof, without the least Omission: The same Laws being to be observed, to which the Subjects of the said States are obliged and bound; and mutual Offices of Friendship to be performed on each Side.

ARTICLE X.

Ships of *Great-Britain* not to be searched or visited by any Officers of the King of *Spain*.

The Ships and all other Vessels belonging to the King of *Great-Britain* or his Subjects, when they sail towards, or enter into the Dominions or Ports of the King of *Spain*, shall in no wise be subject to any Visitation or Search by the Officers and Judges of prohibited Goods, or any others whatsoever, either by Virtue of their own or any other Authority; nor shall any Soldiers, arm'd Men, Officers or private Persons whatsoever, under the Name of a Guard or Watch, or on any other Pretence

whatsoever be put on board any of the said Ships or Vessels.

ARTICLE XIII.

It shall be lawful for the Ships of the People and Subjects of either of the Confederates, to cast Anchor in the Coasts, Bays, or any Stations or Roads for Ships belonging to the other Confederate, without being in any wise constrained to enter into any neighbouring Port; and in case any Ship being forced by Stress of Weather, or Danger of Enemies or Pirates, or by any other Accident should be necessitated to come into Port, provided it appears that she is not bound to an Enemy's Port with prohibited Goods, commonly called Contraband (concerning which she shall not be questioned without clear Proofs) such Ship may sail out of Port whensoever they think fit, and return to Sea without any Impediment whatsoever; upon that Condition however, that they do not break Bulk, and that no Part of the Cargo be exposed to Sale, or open'd in Port: But when they have cast Anchor, and are stationed in Port, to prevent all Trouble whatsoever about visiting or searching, it shall be sufficient for them to have in readiness and to produce their Letters of safe Conduct, or other Papers of their intended Voyage, and Certificates of their Cargo; which being exhibited and shewn to the Officers of either King, when the Matter requires it, such Ships shall be permitted to pursue their intended Voyage without further Molestation.

Ships of either Nation may cast Anchor in the Coasts or Roads of the other.

Forced by Enemies, or otherwise, may freely come in and go out of Port.

Not to break Bulk.

To produce Passports and Certificates.

ARTICLE XIV.

The Ships of War, whether they belong to either of the said Kings, or be Privateers belonging to the Subjects of either, when they meet with any Merchant Ships either riding at Anchor, or sailing in the open Sea, shall keep without Cannon Shot of them, and shall not approach nearer, in order to

Ships of War and Privateers to keep at Distance from Merchantmen, and only to send their Boat to examine the Papers.

prevent all Damage and Violence; but they may send their Boat or Pinnace, with two or three Men only on board the Merchant Ship, to whom the Master or Owner shall produce his Passport and Sea Letters, prepared according to the Form annexed to this Treaty; whereby they may be certified not only of the Merchandizes with which the Ship is laden, but also of the Place to which she belongs within either Kings Dominions, and Name of the Ship, Master and Owners; by which Means it may be sufficiently known what Sort of Goods are on board her, whether any such as are prohibited or Contraband; and who is the Master or Owner; and what Kind of a Ship it is: Moreover, such Passports and Sea Letters shall be of the more undoubted Credit and Authority, that as well on the Part of the King of *Great-Britain*, as of the King of *Spain*, they shall (if the same be found necessary) be corroborated with certain counter-signed Certificates, whereby they may be more authentick, and the Imposition of false ones may be prevented.

ARTICLE XV.

Prohibited Goods
exported to be
confiscated, and
no other.

If any prohibited Merchandizes or Goods are exported out of the Kingdoms, Dominions, or Territories of either King, by the People or Subjects of the other; in such case the prohibited Goods only, and no other, shall be confiscated; nor shall the Delinquent in such case, incur any further Penalty, unless haply he convey away and export out of the Kingdoms or Dominions of *Great-Britain* any Money or proper Coin of that Country, or Wool, or what they call Fullers-Earth; or out of the Dominions of the King of *Spain*, any Gold or Silver, either coined or uncoined: In which Cases the Laws of each Country shall on both Sides have their due Force and Effect.

In case of *British*
Coin, Wool, or
Fullers-Earth ex-
ported out of the
British Domini-
ons, or any Gold or
Silver out of the
Spanish, the re-
spective Laws to
take Place,

ARTICLE

ARTICLE XVI.

The People and Subjects of either King may arrive at, and enter into the Ports of the other, and there abide and remain, and depart from thence with the same Liberty and Freedom on both Sides; and that not only with their Merchant Ships and other Vessels used for Trade and Commerce; but likewise with Ships of War fitted out either to resist or attack the Enemy; and if their Ships are drove in by Strefs of Weather, they may both repair their Ships and furnish themselves with Provisions, as they may have Occasion, so as the Number of Ships entering in of their own Accord, give no just Cause of Suspicion, which, if they are Ships of War, are not to exceed the Number of eight; nor shall they continue within the Bays or Roads, or in the Neighbourhood of the Ports, any longer Time than shall be judged necessary for the Repair of their Ships, or the taking in of Provisions, much less shall they be the Cause of any Interruption or Molestation of the Commerce, or hinder the Approach or Entrance of any Ships belonging to any other Nation whatsoever at Peace with the King to whom such Port belongs. But when a greater Number than usual of Ships of War, shall by some Accident approach any Port, it shall not be lawful for them to enter into Port, or cast Anchor in the Road, without having first obtained a Permission to enter from the King himself, or from the Governor of such Port, unless they are forced in by the Violence of a Storm, or to avoid some imminent Danger at Sea; in which Case, they shall signify the Cause of their Arrival, as soon as possible, to the Governor of the Port, or chief Magistrate of the Place; and they shall not continue there any longer than such Governor or Magistrate shall judge proper and expedient, much less shall they commit any Act of Hostility against any others being in the

All Ships of both Nations freely to enter, abide in, and depart from any Ports of the other.

Drove in by Strefs of Weather may repair and provide themselves.

Not to exceed eight Ships of War.

Not to stay longer than necessary.

Not to disturb the Commerce of the Place.

Ships of War more than usual not to enter into Port, or anchor in the Road without Leave.

same Port, which may prove a Prejudice to either of the said Kings.

ARTICLE XVIII.

Ships and Subjects of both Nations may carry all Kind of Arms.

The Merchants and Subjects of both Kings, and their Agents and Servants, as also their Ships, Masters and Mariners, both in going and returning, as well upon Sea and other Waters, as in the Havens and Ports of either Party, may carry and use all Kind of Arms, both offensive and defensive, without being obliged to register the same; they may likewise carry and use any portable Arms upon Land (if they please) for their private Defence, according to the Custom of the Place.

ARTICLE XXI.

Free Navigation and Traffick with all neutral States.

The Subjects and Inhabitants of the Kingdoms and Dominions under the Obedience of the Kings of *Great-Britain* and *Spain* respectively, may with all Security and Liberty navigate and traffick throughout all the Kingdoms, States and Countries, cultivating Peace, Amity or Neutrality, with either of the said Kings.

ARTICLE XXII.

Not to be disturbed by Reason of Hostility with any other State.

The Ships or Subjects of either of the said Kings shall in no wise interrupt the said Liberty by any Hindrance or Disturbance whatsoever, by Reason of any Hostility which now is or may be hereafter between either of the said Kings, and any other Kingdoms, Dominions and States, being in Friendship or Neutrality with the other Party.

ARTICLE XXIII.

Contraband Goods only to be taken and confiscated.

And in Case any prohibited Goods, commonly called Contraband, which are here particularly mentioned, shall be discovered by the abovesaid Means to be on board such Ships, they shall be taken out of the Ship, and legally proceeded against and con-

confiscated by the Judges of the Admiralty, or other competent Judges; but so as the Ship itself, and the other free and allowed Goods found in such Ship, shall in no wise be seized or confiscated on that Account.

ARTICLE XXIV.

Moreover, to prevent as far as may be, all Controversy which may arise concerning such Goods as are to be deem'd Prohibited or Contraband, it is declared and agreed, that under that Name are comprehended all Fire-Arms, as warlike Ordnance, Musquets, Mortar-Pieces, Petards, Bombs, Grana- does, Fire-Crannels, Fire Balls, Carriages of Guns, Musket-rests, Bandeliers, Gunpowder, Match, Salt- petre, Bullets, and Balls; likewise under the same Name of prohibited Goods are comprehended all other Kind of Arms, as Pikes, Swords, Pops, Hel- mets, Backs and Breasts, Halberts, Javelins, and such like; under the same Name likewise is prohibited the Transportation of Soldiers and Horses, together with their Harnesses, Cases of Pistols, Holsters, Belts, and all Kind of warlike Furniture what- soever.

Contraband
Goods Specified.

ARTICLE XXV.

Likewise for the avoiding of all Matter of Dis- pute and Contention, it is agreed, that under the Name of Goods prohibited and contraband are not comprehended Corn, Wheat, or any other Grain, or Pulse, Salt, Wine, Oil, or any thing appertain- ing to the Nourishment and Support of Life; but they shall remain free; as likewise all other Goods not mentioned in the foregoing Article, the Trans- portation of which shall be allowed even to Places belonging to Enemies, excepting Cities and Places besieged and block'd up.

What Goods are
not to be deem'd
Contraband.

ARTICLE

ARTICLE XXVI.

All Things on
board Enemies
Ships to be con-
fiscated.

Whatsoever shall be found laden by the Subjects and Inhabitants of the Kingdoms and Dominions of either of the said Kings on board any Ships belonging to the Enemies of either of the said Kings, though such Goods should not be of the prohibited Kind, they shall be confiscated, together with all Things else, which shall be found within any such Ship, without Exception or Reserve.

ARTICLE XXXVIII.

Subjects of both
Nations to enjoy
all Privileges
granted to any
other.

The People and Subjects of both the said Kings shall have and enjoy in the Lands, Seas, Ports, Havens, Roads and Territories of the other, and in all other Places whatever, all the same Privileges, Securities, Liberties, and Immunities, whether they concern their Persons or Trade, which have been already granted, or hereafter shall be granted by either of the said Kings, either to the Most Christian King, or to the States General of the United Provinces, or to the Hanse Towns, or to any other State whatsoever, by their Treaties or Royal Schedules, with all the beneficial and favourable Articles and Clauses contained in such Grants, in as ample Manner and Form, and to as full and valid Effect of an Agreement entered into and ratified, as if the same were particularly transcribed and inserted in this present Treaty.

ARTICLE XL.

All the Articles
of this Treaty to
be observed by all
Subjects on both
Sides.

It is likewise agreed and concluded, that the said Most Serene Kings of *Great-Britain* and *Spain* shall sincerely and faithfully observe, and cause to be observed and kept by their Subjects and Inhabitants respectively, all and singular the Articles agreed on and established by this present Treaty; nor will they contravene the same directly or indirectly,

directly, nor consent that the same be contravened by their Subjects and Inhabitants respectively.

The Form of the certificatory Letters to be given by the Towns and Sea Ports to the Ships and Vessels setting sail from thence.

TO all unto whom these Presents shall come: We the Governors, Consuls, or chief Magistrate, or Commissioners of the Customs of the City, Town or Province of N. do testify and make known, that N. N. Master of the Ship N. hath before us under solemn Oath declared, that that the Ship N. of Tons (or thereabouts) of which he is at present Master, doth belong to the Inhabitants of N. in the Dominions of the Most Serene King of Spain: And we being desirous that the said Master may be well used and assisted in his Voyage and Business, do intreat all Persons who shall meet him, and those of all Places where the said Master shall come with the said Ship and her Merchandize, that they would admit him favourably, treat him kindly, and receive the said Ship into their Ports, Bays, Havens, Rivers, and Dominions, permitting her quietly to sail, pass, repass, and trade there, or in any other Places, as shall seem good to the said Master, he paying all Duties and Customs which of Right shall be due: which we will acknowledge gratefully upon the like Occasions. In Witness whereof we have signed these Presents, and sealed them with the Seal of our Town.

The Form of certificatory Letters.

Articles of the Marine Treaty of the 28th of November, 1713, immediately following the Recital of the Treaty of 1667, and of the several Schedules annexed thereto.

1713.

Mutual Stipulations for the Performance of this Treaty.

ARTICLE I.

American Treaty of 1670, confirmed.

THEIR Royal Majesties do mutually promise, that they will faithfully perform and fulfil all and singular the Articles of the foregoing Treaty, and all Privileges, Concessions, Agreements, or other Advantages whatsoever arising to the Subjects on either Side, which are contained in them, or in the Schedules annexed; and that they will at all Times cause the same to be performed and fulfilled by their Ministers, Officers, and other Subjects, so as the Subjects on each Side may enjoy the full Effects of all and every of them (those only excepted, concerning which it is otherwise ordered in the following Articles to the mutual Satisfaction of each Party;) and of all those likewise which are contained in the following Articles. Moreover, the Treaty of 1670, made between the Crowns of Great-Britain and Spain, for putting an end to all Differences, restraining Depredations, and establishing Peace between the said Crown in America, is again ratified and confirmed, without any Prejudice however to any Contract or other Privilege or Licence granted by his Catholick Majesty to the Queen of Great-Britain or her Subjects, in the late Treaty of Peace, or in the Contract of *Affiento*; as likewise without Prejudice to any Liberty or Licence, which the Subjects of Great-Britain enjoyed before either of Right, or by Sufferance or Indulgence.

ARTICLE

ARTICLE VI.

And as the Use and Liberty of Navigation and Commerce ought to remain on both Sides entire, secure, and free from all Molestation, to the Subjects of both their Royal Majesties, as long as the Peace and Friendship entered into between their Royal Majesties and their Crowns shall subsist; so likewise their Royal Majesties have thought fit to provide, that their said Subjects shall not be deprived of that Security, by Reason of any Sparks of Disorder which may arise; but on the contrary, they shall enjoy the full Benefit of Peace, so long as War shall not be declared between the two Crowns.

Full Benefit of Peace to be enjoyed till War declared.

Treaty of Munster, made between Spain and the States General in 1648, mentioned and refer'd to in the Eighth Article of the Marine Treaty of 1667, between Great-Britain and Spain, and expressly taken into the said Treaty of 1667, by the said Eighth Article, and made Part of the same, especially as to the Indies.

ARTICLE IV.

THE Subjects and Inhabitants of the Countries of the said King and States, shall hold a good Correspondence and Friendship together, without any Resentment of past Offences or Injuries, and may likewise frequent and sojourn in the Countries of each other, and carry on their Trade and Commerce therein with all Safety, as well by Sea and other Waters as by Land.

Free Access and Commerce.

ARTICLE

ARTICLE VI.

Neither Party to
sail or trade in
Places possessed by
the other in the
West-Indies.

And as for the *West-Indies*, the Subjects and Inhabitants of the Kingdoms, Provinces, and Lands of the said King and States respectively shall abstain from sailing and trading in all Havens, Towns and Places where there are any Forts, Lodges or Castles, and all other Places possessed by either Party, viz. that the Subjects of the said Kings shall not sail and trade in the Places held by the said States, nor the Subjects of the said States in those held by the said King.

ARTICLE XXIII.

Not to enter or
stop at any Ports
or Roads of the
other with Ships
of War, without
Leave, unless for-
ced in.

Neither Party shall land, or enter into, or stop at any Havens, Ports, Shores or Roads belonging to the other Party, with any Ships of War in such Number as may give Suspicion, without the Licence and Permission of him, under whose Obedience such Havens, Ports, Shores or Roads are, unless they should be forced in by Strefs of Weather, or some other Necessity, and to avoid some Danger of the Sea.

American Treaty, between Great-Britain and Spain, for the composing of Differences, restraining of Depredations, and all Injuries, and establishing a good Correspondence in America; concluded at Madrid, July the 8th, 1670.

ARTICLE I.

Treaty of 1667,
confirmed.

THE Treaty of Peace and Friendship made between the Crowns of *Great-Britain* and *Spain*, on the 13th Day of *May*, 1667, or any Clause thereof, shall in no wise be deem'd or understood to be revoked or abrogated by the present Articles

Articles and Conventions, but the same shall for ever remain in its former Force, Strength and Vigour, so far as it is not contrary or repugnant to this present Treaty, or any Articles thereof.

ARTICLE II.

That there be an universal Peace, and true and sincere Amity, as well in *America*, as in the other Parts of the World, between the Kings of *Great-Britain* and *Spain*, their Heirs and Successors, and also between the States, Kingdoms, Colonies, Ports, Cities, Governments and Islands, without any Distinction of Places under the Dominions of either, and between their People and Inhabitants respectively; which shall endure from this Day for ever, and shall be religiously observed, as well by Land as by Sea, and in all Waters; so as the one shall promote the Welfare and Advantage of the other, and the People shall assist and favour each other with all mutual good Will and friendly Affection; and that good Neighbourhood and true Peace and Amity be cultivated and increase daily on all Sides in those remote Countries, like as in those which are nearer.

Universal and perpetual Peace and Amity.

ARTICLE III.

That for the Time to come, all Enmities, Hostilities and Discords between the said Kings, their Subjects and Inhabitants cease and be abolished; and that both Parties do altogether forbear and abstain from all Plundering, Depredation, Hurt, Injuries and all Kind of Violence, as well by Land as by Sea, and in fresh Waters, in all Places whatever.

All Hostilities and Depredations to cease.

ARTICLE VII.

The King of *Great-Britain*, his Heirs and Successors, shall have, hold, and possess for ever, with full Right of Sovereign Dominion, Property and Posses-

King of *Great-Britain* to hold all he now possesses in the *West-Indies* or *America*.

Possession, all Lands, Countries, Islands, Colonies and Dominions whatsoever situate in the *West-Indies*, or in any Part of *America*, which the said King of *Great-Britain* and his Subjects do at this present hold and possess; so as that in regard thereof, or upon any Colour or Pretence whatsoever, nothing may or ought ever to be urged, nor any Question or Controversy be ever moved concerning the same hereafter.

ARTICLE VIII.

Subjects of both to forbear all Commerce and Navigation in Places possessed by the other Party in the *West-Indies*.

The Subjects and Inhabitants, Merchants, Captains, Masters of Ships, and Mariners of the Kingdoms, Provinces, and Countries of both Kingdoms respectively, shall abstain and forbear from all Commerce and Navigation into the Ports and Places which have Forts, Castles, or Warehouses for Merchandize, and all other Places which are possessed by the other Party in the *West-Indies*; to wit, the Subjects of the King of *Great-Britain* shall not set on foot or carry on any Traffick, Navigation or Commerce, in the Ports or Places which the King of *Spain* holdeth in the said *Indies*; nor, on the other Hand, shall the Subjects of the King of *Spain*, set on Foot or carry on any Navigation or Commerce to those Places which are there possessed by the King of *Great-Britain*.

ARTICLE IX.

Either King may grant Licence to the Subjects of the other, to navigate and trade there.

But if in Process of Time either King shall think fit to grant to the Subjects of the other, any general or special Licence or Privilege of navigating and trading in any Places belonging to the Dominion of him who shall grant such Licences and Privileges, the said Navigation and Commerce shall be exercised and maintained according to the Form, Tenor, and Effect of such Permissions and Privileges, as shall be so allowed and granted; and this present Treaty

Treaty and Ratification thereof shall serve as a Guaranty for the same.

ARTICLE X.

If the Subjects and Inhabitants of either of the Confederates, with their Ships (whether they be publick Ships and of War or Merchant Ships and private Property) shall be drove by Strefs of Weather, or forced by Pursuit of Pirates and Enemies, or any other Distress, for the Sake of Shelter and Harbour to retreat and enter into any of the Rivers, Creeks, Bays, Havens, Roads and Shores whatsoever belonging to the other Confederate in *America*, they shall be received and treated there with all Humanity and Kindness, and enjoy all friendly Protection; they shall likewise have intire Liberty to refresh themselves, and provide themselves at reasonable and usual Rates with Provisions and all Things necessary for the Sustenance of their Persons, or the Reparation of their Ships, and facilitating their Voyage: They shall likewise, on no Account, be hindered on either Side, from departing and going out of such Port or Road, but it shall be lawful for them to remove and depart from thence at their Pleasure, whensoever and whithersoever they shall think fit, without any Molestation or Impediment.

All Ships forced in shall be well received and assisted.

ARTICLE XI.

Likewise if the Ships of either Confederate, or of the Subjects of either (which God forbid) shall be stranded, cast away, or wreck'd, or suffer any Damage whatsoever, on the Coasts, or within any of the Dominions of the other, it shall not be lawful to make Prisoners of the Persons so cast away, or suffering Damage, or to carry them into Slavery; but on the contrary, the Persons endanger'd or shipwreck'd shall have all friendly Assistance and Reliet, and be furnished with Letters of safe Conduct, so as they

Persons belonging to Ships stranded or wreck'd shall be relieved and protected.

may pass from thence freely and without Molestation, and every Man return to his own Country.

ARTICLE XII.

Ships forced in, if three or four in Number, to stay no longer than allowed and necessary.

But when the Ships of either (as is abovementioned) shall through the Danger of the Sea, or from any other urgent Cause, be compell'd and driven into the Ports of the other, if they be three or four in Number, and may give just Ground of Suspicion, the Cause of their Arrival shall be forthwith signified to the Governor or chief Magistrate of the Place; and they shall not stay there for any longer Time, than shall be allowed them by the said Governor or Magistrate, and shall be convenient and reasonable for supplying themselves with Provisions, and for repairing and fitting out their Ships; but Care shall always be taken, that they do not dispose of their Cargo, or carry out of the Ships and expose to Sale any of the Goods or Packs; neither shall they receive any Merchandize on board them from the other Party, or do any thing contrary to this Treaty.

ARTICLE XV.

All Rights of both Parties in the American Seas saved.

The present Treaty shall not in any respect derogate from any Pre-eminence, Right and Dominion whatsoever of either of the Confederates in the *American* Seas, Streights and Waters whatsoever; but that they have and retain the same to themselves, in as full and ample Manner as of Right belongs to them; but be it always understood, that the Freedom in Navigation ought in no wise to be interrupted, nor any thing done, nor any Offence committed contrary to the genuine Sense of these Articles.

Freedom of Navigation not to be interrupted.

Treaty of Peace at Utrecht, between Great-Britain and Spain, of 1713.

ARTICLE XV.

WHEREAS it is insisted on the Part of *Newfoundland* *Fishery.* *Spain*, that certain Rights of fishing at the Island of *Newfoundland* belong to the *Guipuscoans*, or other Subjects of his Catholick Majesty: Her *Britannick* Majesty consents and agrees, that all Privileges which the *Guipuscoans*, or other People of *Spain*, shall be able to make Claim to by Right, shall be preserved to them safe and intire.

Treaty of Peace and Alliance between Great-Britain and Spain; concluded at Madrid, November the 15th, 1630.

ARTICLE VII.

IT was and is agreed and concluded, that there be and ought to be a free Commerce between the King of *Spain* and the King of *Great-Britain*, and all their Vassals, Inhabitants, and Subjects, as well by Land as by Sea, and on fresh Waters, in all and singular the Kingdoms, Dominions and Islands, Lands, Cities, Towns, Villages, Ports and Districts of the said Kingdoms and Dominions, where Commerce and Trade was carried on between the said Kingdoms before the War, between *Philip II.* King of *Spain*, and *Elizabeth* Queen of *England*, as it was settled in the Treaty of Peace in the Year 1604, Article IX, according to the Use and Observance of ancient Covenants and Treaties preceding the said Time; so that without any Passport, general or special Licence, either by Land, Sea, or fresh Wa-

Free Navigation,
Passage and Com-
merce according
to ancient Tre-
aties.

ter, the Subjects and Vassals of both Kings may go, enter and sail to all the foresaid Places, and all their Cities, Towns and Ports, Shores, Coasts and Districts, and enter into any Ports in which there was a mutual Commerce before the said Time, and according to the Use and Observance of the said ancient Covenants and Treaties, may import Merchandizes on Waggons, Horses, Carriages, and Vessels loaded or to be loaded, and buy and sell in such Places, and furnish themselves at reasonable Rates with any Quantity of Provisions, and Things necessary for their Subsistence and Voyage, and repair their Vessels and Carriages, whether they be their own, or hired, or borrowed, and with the same Liberty depart, with all their Merchandizes, Goods and Things whatsoever, having first paid the Tolls and Duties according to the Laws of such Places, and go from thence to their own or any other Countries, as they please, without any Impediment.

A R T I C L E VIII.

Free Access and
Departure for all
Ships.

Number of Ships
restrained.

It shall be lawful to go to the Ports of the said Kings, and there remain and depart from thence with the same Liberty, not only with Merchant Ships, but also with all Manner of Ships of War, prepared to repulse the Attacks of the Enemy, whether they shall be driven by the Violence of Storm, or to repair their Ships, or to buy Provisions; provided that if they come in freely, and of their own Accord, they do not exceed the Number of six or eight Ships, and do not remain longer in the Ports than shall be necessary for refitting, or purchasing Necessaries, lest they should be a Hindrance to the free Commerce of other friendly Nations; but if there shall be a greater Number of Ships of War, then they shall not come in without first consulting the King; and they shall commit no Hostilities in the said Ports, in Prejudice of the said Kings, but live and continue quiet like Friends and Confederates.

A R T I C L E

ARTICLE IX.

Provided always, that under Colour and Pretext of Commerce, no Assistance, whether of Provisions, Arms or warlike Instruments, or any other Kind of warlike Assistance, be carried by any of the Subjects, Vassals or Inhabitants of the foresaid Kings, for the Use and Benefit of the Enemies of either of the said Kings; but whosoever shall attempt such Things, shall be most severely punished, as seditious Persons, and Breakers of Faith and Peace: And further, the Subjects of either Party shall not be worse treated in the Territories of the other, than the Natives themselves, in selling and bargaining for their Merchandizes, either with regard to the Price or otherwise; but the Condition of Foreigners and Natives in the foresaid Respects shall be equal and alike, any Statutes or Customs to the contrary notwithstanding.

Subjects of one Party not to carry Provisions or warlike Assistance to the Enemy of the other.

Subjects of both Parties to be treated as Natives.

ARTICLE XXII.

That in case any prohibited Goods or Merchandize be exported, or carried out of the Kingdoms and Dominions of either of the said Kings, by the Subjects of either, in that case the Delinquent only shall be punished, and the prohibited Goods only shall be confiscated.

Prohibited Goods only to be confiscated, and the Offender only to be punished.

ARTICLE XXVI.

That neither of the said Kings shall detain or stop any Ships belonging to the Subjects of the other, lying in their Ports, to use them for carrying on War, or for any other Service, in Prejudice of the Owners, without first acquainting their King to whom the Ships belong, and having his Consent.

Ships not to be detained for any Service without Consent.

Treaty of Peace and Alliance between Great-Britain and Spain; concluded at London, August the 18th, 1604.

Free Navigation,
Passage and Com-
merce, as before
used.

IT is agreed and concluded, that there be and ought to be a free Commerce between the Most Serene King of *England*, and the Most Serene King of *Spain*, and between all their Vassals, Inhabitants and Subjects whatsoever, as well by Land as by Sea, and fresh Waters, in all and singular the Kingdoms, Dominions and Islands, and other Lands, Cities, Towns, Villages, Ports and Districts of the said Kingdoms and Dominions, in which Commerce was used before the breaking out of the War, and according to the Use and Observance of antient Covenants and Treaties before the War; so as the Subjects and Vassals of either King may, without any Passport or Licence, general or special, come and enter into the said Kingdoms and Dominions, either by Sea, Land, or fresh Water, and into the Cities, Towns, Villages, Ports, Shores, Creeks and Districts thereof, and enter into any Ports where Commerce was carried on before the War, and according to the Use and Observance of the antient Covenants and Treaties, may import Merchandizes upon Waggon, Horses, Carriages, and Vessels loaded, or to be loaded; and buy and sell in such Places, and furnish themselves at a reasonable Rate with any Quantity of Provisions and Things necessary for their Subsistence and Voyage; and repair their Vessels and Carriages, whether they be their own, or hired, or borrowed, and with the same Liberty depart with all their Merchandizes, Goods and Things whatsoever, having first paid the present Toll and Duties, only according to the Laws of such Places, and go from thence

thence into their own or any other Countries as they please, without any Impediment.

ARTICLE X.

It is agreed, and in like manner concluded, that it shall be lawful to come to the Ports of the said Princes and remain there, and depart from thence with the same Liberty, not only with Merchant Ships, but also with all other Ships of War, fitted to restrain and resist the Force and Attempts of the Enemy; whether they be forced in by the Violence of Storm, or come in to refit their Ships, or to buy Provisions: Provided, that in case they come without being forced, they exceed not the Number of six or eight Ships, nor remain in, or hover about the Ports any longer than shall be necessary for repairing of them, and providing Necessaries; and that they be not a Hindrance in any wise to the free Intercourse and Commerce of other ally'd Nations; but if there shall be a greater Number of Ships of War, then they must not enter the Ports without consulting the Prince; and they must not act in a hostile Manner in the said Ports in Prejudice of the said Princes, but live and remain as Friends and Confederates; provided always, that under Colour or Pretext of Commerce, no Assistance or Provisions of Victuals, Arms, warlike Instruments, or any other Kind of warlike Assistance be brought for the Use and Service of the Enemies of either of the said Kings, by any of the Subjects, Vassals, or Inhabitants of the said Kings; but whosoever shall attempt it, shall be most severely punished, as seditious Infringers of Faith and Peace.

Free Access and
Departure for all
Ships of both
Nations.

Number of Ships
restrained.

Subjects of the
one not to supply
or assist the Ene-
my of the other.

ARTICLE XI.

That the Subjects of the one Prince shall not be worse treated in the Territories of the other, than the natural born Subjects, in selling and bargaining about their Merchandizes, as well with respect to

Subjects of both
Nations to be
treated as Natives.

the Price, as otherwise; but in the foresaid Cases, the Condition of Strangers shall be the same with that of the Inhabitants and natural born Subjects, any Statutes or Customs to the contrary notwithstanding.

ARTICLE XX.

Subjects of the one not to assist the Enemy of the other with Money, Provisions or Arms,

And as the said Kings solemnly promise never to give any warlike Assistance to the Enemies of either, it is further provided, that their Subjects or Inhabitants, of whatever Nation or Quality they be, shall not either on Pretence of Trade or Commerce, or under any other Colour, assist the Enemies of the said Princes, or of either of them in any Manner; nor furnish them with Money, Provisions, Arms, Engines, Guns or Instruments fit for War, nor afford any other warlike Furniture; and all Contraveners shall be liable to the severest Punishments, as Covenant-Breakers and seditious Persons.

ARTICLE XXIV.

Prohibited Goods only to be confiscated; and the Offender only to be punished.

That if any prohibited Goods or Merchandizes shall be exported or carried out of the Kingdoms and Dominions of the said most Serene Kings by the Subjects of either, in that Case the Delinquent alone shall incur Punishment, and the prohibited Goods only shall be confiscated.

ARTICLE XXVIII.

Ships not to be detained for any Service without Consent.

That neither of the foresaid Princes shall detain the Ships of the other in their Ports or Waters, to use them for War or any other Service, in Prejudice of their Masters and Owners, without first acquainting the Prince to whom the Ship belongs, and obtaining his Consent.

Treaty

Treaty of Peace and Alliance between Great-Britain and Spain, made in the Year 1542, viz. between Henry VIII. of England, and Charles V. Emperor and King of Spain, and of the Indies, and Lord of the Netherlands.

ARTICLE II.

IT is agreed and concluded, that from this Day Perpetual Peace and Amity. there be a good, sincere, true, intire, perfect and firm Friendship, League, Confederacy, Peace and Union, by Land, Sea, and fresh Waters, to endure in all future Times between the said two Princes, their Heirs and Successors, and their Kingdoms, Countries, Dominions, Lands, Vassals, and Subjects whatsoever, present and to come, of whatever Degree or Condition they be, so that the aforesaid Vassals and Subjects on both Sides shall be bound mutually to favour each other with sincere and honest Affection, and they may safely, freely and securely go as well by Land and Sea as fresh Waters, and enter into the said Kingdoms, Countries, Free Navigation, Passage and Commerce. Dominions, Lands, Cities, Towns and Places, fortified or unfortified, and all their Ports and Districts whatsoever, or any of them; and there be and abide as long as they please; and there buy and sell Provisions and all other Necessaries whatsoever without Contradiction; and may likewise go, depart and return from the said Kingdoms, Countries, Lands, Cities, Towns, Villages, Ports and Districts whatsoever, or any of them, as often as they please, to their own Countries, or any other foreign Parts whatsoever, with their hired or borrowed Ships, Waggons, Carriages, Horses, Armour, Merchandizes, Packs, Goods, and all other Things whatsoever, in the same Manner as they might do in their own

own Countries, or as the native Subjects of those Places and Countries might ; so as they shall not need any safe Conduct, or general or special Licence, nor be obliged to ask for such safe Conduct or Licence in any of the aforesaid Places

ARTICLE III.

Neither Party to attempt any thing against the other.

Neither of the said Princes, nor any of their Heirs and Successors, shall act, do, treat, or attempt any thing against the other, either upon Land or by Sea, or in the Countries, Ports, or fresh Waters, upon any Occasion, nor give any Aid, Counsel, Countenance or Consent, in case of any Invasion which may be made, intended or attempted by any others whatsoever, to the Injury or Prejudice of the other Prince, his Heirs or Successors.

ARTICLE IV.

Neither Party to aid or favour the Enemies of the other.

Neither of the said Parties shall give any Aid, Counsel or Countenance to the known Enemies of the other Party intending or endeavouring to invade him either by Land, Sea, or fresh Waters in any Lands, Kingdoms, Countries, Cities, and Dominions whatsoever and wheresoever situated ; nor wittingly suffer such Enemies to enter into, or pass through his Kingdoms, Countries, Lands, Cities, and Dominions ; nor in any wise favour any such Designs directly or indirectly.

ARTICLE X.

This Peace to remain, though violated by the Subjects or Allies of either.

That if during the foresaid Peace and Amity any thing be attempted, acted, or done against the Force and Effect of the same, by Land, Sea, or fresh Waters, by any of the Vassals, Subjects and Allies of the said Princes, their Heirs and Successors, or by the Heirs and Successors, Vassals or Subjects of their Allies, who are comprehended in this Treaty ; yet notwithstanding, this Peace and Amity shall

shall remain in their full Force and Effect; and the Persons only attempting such Things, and doing the Mischief, shall be punished for such their Attempts and no others.

ARTICLE XI.

Whenever it shall happen that the Subjects of the King of *England* shall be any ways hurt or injured by the Subjects of the said Emperor, or that the Subjects of the said Lord the Emperor shall be hurt or injured by the Subjects of the King of *England*, those who have not done the Injury shall not therefore be liable, by Letters of Reprisals, Marque or Countermarque, or any other Orders or Commissions whatsoever, without due and previous Notice or Summons, either upon the Petition of the Person injured, or some other way, to be arrested in their Persons or Goods, or to be any ways obstructed or molested, nor shall any War be made or levied on that Account; but the Prince of the said Party offending shall make due Reparation for all such Attempts and Injuries, and put Matters into their former Condition: And such Letters of Reprisals, Marque and Countermarque, and all such like Orders (unless such Notices have first gone out and been duly intimated to the Parties, and publick Summons with respect to the Princes) shall henceforth intirely cease; and if they be otherwise granted, they shall be accounted null and void.

Upon Injury done, no Commissions to be granted or War made, but Reparation by the Prince of the Party offending.

ARTICLE XIII.

It is likewise agreed, for the common Benefit of this Peace and Friendship, and that the Subjects of both the said Princes may daily increase in their mutual accustom'd Commerce with each other, that as for the Intercourse of Merchandizes and mutual Commerce, which they have usually carried on with each other, the Treaty of Commerce, dated the 11th of *April*, 1520, shall be and remain

Increase of mutual Commerce stipulated.

Treaty of 1520, confirmed.

remain in the same State and Force in which it ought to be, and remain by the Treaty of *Cambray*, dated the 5th of *August*, 1529.

N. B. The Marine Treaty of 1520, referred to in the last recited Article of the foregoing Treaty, made between the same Princes, contains a mutual Stipulation of a general and unlimited Freedom and Liberty of Navigation and Commerce between them, and the Subjects of each reciprocally; but the Treaty of *Cambray* of 1529, likewise referred to in the said Article as declaratory of the Force and Validity of the said Treaty of 1520, does not now appear to be any where subsisting; but the said Treaty of 1520, is limited as to its Duration, by one of the Articles thereof, so as to continue and be of Force from five Years to five Years, until such Time as a new Treaty of Commerce should be made between the said Princes; which having been done as to *Spain* by the two several Treaties of 1667 and 1679, that of 1520 cannot be looked upon as valid and in Force at this Time,

Articles and Clauses of several Treaties made between Great-Britain and Spain; renewing and confirming former Treaties, and amicable Usage and Intercourse between the said two Crowns.

Treaty of Seville between Great-Britain and Spain, and France, 1729.

ARTICLE I.

ALL preceding Treaties and Conventions of Peace, Amity and Commerce, concluded between the contracting Powers, shall be, as they hereby are, effectually renewed and confirmed in all Points, which are not derogated from by the present Treaty, in as full and ample Manner as if the said Treaties were here inserted Word for Word; their said Majesties promising neither to do, nor suffer any thing to be done, that may be contrary thereto directly or indirectly.

All preceding Treaties confirmed.

ARTICLE IV.

It having been agreed by the preliminary Articles, that the Commerce of the *English* Nation, as well in *Europe* as in the *Indies*, should be re-established on the foot of the Treaties and Conventions antecedent to the Year 1725; and particularly that the Commerce of the *English* Nation in *America* should be exercised as heretofore; it is agreed by the present Article, that all necessary Orders shall be dispatched on both Sides, without any Delay, if it has not been done already, as well for the Execution of the said Treaties of

Commerce established on the foot of Treaties preceding 1725.

Com-

Commerce, as for supplying whatsoever may be wanting for the entire Re-establishment of Commerce on the foot of the said Treaties and Conventions.

Separate ARTICLE I.

Although conformably to the preliminary Articles, it has been said by the Fourth Article of the Treaty signed this Day, that the Commerce of the *English* Nation in *America* should be re-established on the Foot of the Treaties and Conventions antecedent to the Year 1725; however, for the greater Clearness, it is further declared by the present Article between their *Britannick* and *Catholick* Majesties, which shall have the same Force, and be under the same Guaranty as the Treaty signed this Day, that under that general Denomination are comprehended the Treaties of Peace and of Commerce concluded at *Utrecht* the 13th of *July*, and 9th of *December*, 28th of *November* O. S. 1713, in which are comprized the Treaty of 1667, made at *Madrid*, and the *Schedula's* therein mentioned; the latter Treaty made at *Madrid* the 14th of *December*, 1715, as also the particular Contract commonly called the *Assiento*, for bringing *Negro* Slaves into the *Spanish West-Indies*, which was made the 26th of *March*, 1713, in Consequence of the Twelfth Article of the Treaty of *Utrecht*, and likewise the Treaty of Declaration touching that of the *Assiento*, made the 26th of *May*, 1716; all which Treaties mentioned in this Article, with their Declarations, shall from this Day be and remain in their full Force, Virtue and Vigour.

Treaties of 1667,
1713, 1715, and
1716, confirmed.

*The Preliminary Articles signed at Paris,
July the 31st, 1717, and at Vienna,
July the 13th, 1727.*

ARTICLE III.

ALL the Privileges of Commerce which the *English* Nation hath heretofore by Virtue of Treaties enjoyed, as well in *Europe* as in the *Indies*, shall be restored to that Usage and Regulation, which are agreeable to what have been stipulated by the Treaties antecedent to the Year 1725.

All Privileges of
Commerce re-
stored to the
English, as before
the Year 1725.

*Treaty of Alliance between Great-Britain and
Spain, and France; concluded at Madrid,
the 13th of June, 1721.*

ARTICLE VI.

HIS Catholick Majesty being desirous of giving his *Britannick* Majesty a particular Proof of his Friendship, confirms, as far as there may be Occasion, all Advantages and Privileges, heretofore granted by the King's Predecessors to the *English* Nation; so as the trading Subjects of the King of *Great-Britain* shall always enjoy in *Spain* the same Rights, Prerogatives, Advantages and Privileges for their Persons, Commerce, Merchandize, Estate and Effects, which they either have or ought to have enjoyed by Virtue of Treaties and Stipulations, or which have or shall be granted in *Spain* to any the most favour'd Nation.

Privileges of
Trade confirmed
to the *English*.

Treaty

Treaty of Peace between Great-Britain and Spain; concluded at Madrid, June the 13th, 1721.

ARTICLE II.

Treaties of 1667,
1713, 1715,
1716, confirmed.

THE Treaties of Peace and Commerce concluded at *Utrecht* on the 13th (2d, O.S.) of *July*, and the 9th of *December* (28th of *November*, O. S.) 1713, (wherein are comprehended the Treaty made at *Madrid* in 1667, and the *Schedula's* therein mentioned) shall stand confirmed and ratified by this present Treaty, except the 3d, 5th, and 8th Articles of the said Treaty of Commerce, which are commonly called *Explanatory*, and which have been annulled by Virtue of another subsequent Treaty made at *Madrid* the 14th of *December*, 1715, which Treaty remains likewise confirmed and ratified; as also the particular Contract commonly called the *Affiento*, for the Importation of Negro Slaves into the *Spanish West-Indies*, made the 26th of *March*, 1713, and likewise the Declaration concerning the *Affiento*, made the 26th of *May*, 1716; all which Treaties mentioned in this Article, with their Declarations, shall remain in their full Force, Virtue and Vigour in every thing, wherein they are not contrary to this present Treaty.

Treaty of Commerce between Great-Britain and Spain; concluded at Madrid, December the 14th, 1715.

ARTICLE V.

Privileges confirmed to the *English*, as before the late War.

THE *British* Subjects shall enjoy all the Rights, Privileges, Franchises, Exemptions and Immunities whatever, which they enjoyed before the last

last War, by Virtue of the Royal Schedules or Ordinances, and by the Articles of the Treaty of Peace and Commerce made at *Madrid* in 1667, which is hereby fully confirmed, and the like shall be granted, observed and permitted to the Subjects of *Spain*, in the Dominions of the King of *Great-Britain*.

ARTICLE VII.

The Treaty of Commerce made at *Utrecht* on the 9th of *December* (28th of *November* O. S.) 1713, shall continue in Force, excepting such Articles as shall be found contrary to what is this Day concluded and signed, which shall be abolished and rendered of no Force; and especially the three Articles commonly called Explanatory, *viz.* the 3d, 5th and 8th Articles, as inserted in the Instrument of Ratification.

Treaty of Commerce of 1713, confirmed,

Treaty of Peace between Great-Britain and Spain; concluded at Utrecht, July the 2d, O. S. 1713.

ARTICLE XV.

THEIR Royal Majesties do on both Sides renew and confirm all Treaties of Peace, Friendship, Alliance and Commerce heretofore made and concluded between the Crowns of *Great-Britain* and *Spain*, and the said Treaties are renewed and confirmed by this present Treaty, in as full and ample Manner as if they were now particularly inserted; that is to say, so far as they are not found contrary to the Treaties of Peace and Commerce which were last made and signed; but more especially by this Treaty of Peace are confirmed and ratified the Treaties, Alliances and Conventions, as well those which relate to the Use of Navigation

All former Treaties renewed and confirmed,

and Commerce in *Europe* and elsewhere, as those which relate to the Introduction of Negroes into *Spanish America*, and which already are, or very speedily will be made between the two Nations at *Madrid*.

Treaty of Alliance between Great-Britain and Spain; concluded at Windsor, June the 10th, 1680.

ARTICLE XII.

Treaties of 1667,
and 1670, con-
firmed.

THE Treaty of Peace and Friendship made between the Most Serene Kings at *Madrid*, in the Year 1697; and likewise another Treaty made also at *Madrid*, in the Year 1670, for establishing Peace, &c. in *America*, between the Kingdoms of *Great-Britain* and *Spain*; and also all other Treaties and Conventions made between the Most Serene Kings, shall be sincerely observed in their several Articles; and the Most Serene Kings and their Subjects on both Sides shall freely and effectually hold and enjoy all Things therein contained, whether they relate to publick or private Affairs.

Treaty with Spain of 1630.

ARTICLE XX.

Ancient Treaties
revived and con-
firmed.

AND as to what concerns the many ancient Intercourses and Treaties of Commerce between the Kingdoms of *England*, *Scotland* and *Ireland*, and the Dukes of *Burgundy*, and Princes of the *Netherlands*, which have been interrupted during these Comotions, and perhaps violated in many Respects; it is provisionally agreed, that they shall retain their former Force and Authority; and

and that they shall be in the same State they were before the War between *Philip II. King of Spain* and *Elizabeth Queen of England*, as it is settled by the Treaty of Peace in the Year 1604.

A R T I C L E XXIV.

That the Concessions and Privileges granted by the said Kings to the Merchants of both Kingdoms coming to their Kingdoms, and which have ceased because of the War, shall be revived and have their full Effect.

Privileges of Merchants revived.

Treaty with Spain of 1604.

A R T I C L E XXII.

BUT as to what concerns the ancient Inter-course, and various Treaties of Commerce between the Dukes of *Burgundy*, and Princes of the *Netherlands*, and the Kingdoms of *England*, *Ireland* and *Scotland* also, which during these Troubles and Commotions have been intermitted, and perhaps violated in many Respects; it is provisionally agreed, that they retain their former Force, and be of the same Effect on both Sides, as they were before the War broke out.

Ancient Treaties with *Burgundy* and the *Netherlands* revived.

A R T I C L E XXVI.

That the Concessions and Privileges granted by the said Princes to the Merchants of both Kingdoms coming to their Dominions, and which have ceased because of the War, shall be revived and become effectual.

Privileges of Merchants revived.

An Explanatory Declaration of certain Articles of the Marine Treaties, concluded between Great-Britain and the States General, in the Years 1667-8, and 1674.

Done at the Hague, the 30th of December, 1675.

1675.

WHEREAS some Difficulties have arose touching the Construction of certain Articles, as well in the Marine Treaty which was concluded $\frac{21}{11}$ of December 1674, as in that which was concluded $\frac{27}{17}$ of February 1667-8, between the King of Great-Britain on the one Part, and the States General on the other, touching the Liberty allowed to their Subjects respectively of trading in the Ports of the Enemies of either of the Parties: We do declare by these Presents, that the true Sense and Intention of the said Articles, is, and ought to be, that the Ships and Vessels belonging to the Subjects of the one or the other of the Parties, may at all Times, from the Time of the Conclusion of the said Articles, pass, trade and traffick, not only from a neutral Port or Place, into a Place belonging to an Enemy of the other Party, or from a Place belonging to an Enemy into a neutral Place; but likewise from one Port or Place belonging to an Enemy, into any other Port or Place belonging likewise to an Enemy of the other Party; whether such Places belong to the same Prince or State, or to divers Princes or States, with whom the other Party shall be at War.

Free Trade and Navigation to and from Places belonging to an Enemy of the other Party.

Marine Treaty between Great-Britain and the United Provinces, to be observed by Land and by Sea, throughout all Countries and Parts of the World; concluded at London, December the 1st, 1674.

ARTICLE I.

THAT it shall and may be lawful for all and every the Subjects of the Most Serene and Mighty Prince the King of *Great-Britain*, with all Freedom and Safety, to sail, trade, and exercise all Manner of Traffick, in all other Kingdoms, Countries and Estates, which now are, or at any time hereafter shall be in Peace, Amity or Neutrality with his said Majesty, so as they shall not be any ways hindered or molested in their Navigation or Trade by the Military Forces, Ships of War, or any other Vessels whatsoever belonging either to the High and Mighty Lords the States General of the *United Netherlands*, or to their Subjects, upon Account or under Pretence of any Hostility or Quarrel now subsisting, or which may hereafter happen between the said Lords the States General, and any other Princes or People whatsoever, in Peace, Amity or Neutrality with his said Majesty; and likewise, that it shall and may be lawful for all and every the Subjects of the said High and Mighty Lords the States General of the *United Netherlands*, with all Freedom and Safety to sail, trade and exercise all Manner of Traffick, in all other Kingdoms, Countries and Estates, which now are, or at any Time hereafter shall be at Peace, Amity or Neutrality with the aforesaid Lords the States; so as they shall not be any ways hindered or molested in their Navigation or Trade, by the Military Forces, Ships of War, or any other Vessels whatsoever, belonging

1674.

Navigation and Trade with Allies of one Party, not to be molested by the other.

longing either to the said King, or to his Subjects, upon Account or under Pretence of any Hostility or Quarrel now subsisting, or which may hereafter happen between his said Majesty and any other Princes or People whatsoever, which are or shall be in Peace, Amity or Neutrality with the said Lords the States.

ARTICLE II.

Freedom of Trade
as to all Goods,
except Contra-
band.

Nor shall this Freedom of Navigation and Commerce be violated or interrupted by reason of any War, as to any Kind of Merchandize, but such Freedom shall extend to all Commodities, which might be carried in Time of Peace; those only excepted, which are described under the Name of contraband Goods in the following Article.

ARTICLE III.

Contraband
Goods specified.

Under this Name of Contraband or prohibited Goods, shall be comprehended only Arms, Pieces of Ordinance, with all Implements belonging to them, Fire-Balls, Powder, Match, Bullets, Pikes, Swords, Lances, Spears, Halberds, Guns, Mortar-pieces, Petard, Granadoes, Musket-Refts, Bandeliers, Saltpetre, Muskets, Musket-Shot, Helmets, Corsets, Breast-Plates, Coats of Mail, and the like Kind of Armature; Soldiers, Horses, and all Things necessary for the Furniture of Horses, Holsters, Belts, and all other warlike Instruments whatsoever.

ARTICLE IV.

What Goods are
not to be deem'd
Contraband.

The following Goods shall not be deem'd Contraband, viz. All Kind of Cloth, and all other Manufactures woven of any Kind of Wool, Flax, Silk, Cotton, or any other Material; all Sorts of Cloathing and Garments, together with the Materials whereof they are made; Gold and Silver as well coined as not coined; Tin, Iron, Lead, Copper, and Coals; as also Wheat, Barley, and all other Kind of Corn,

Corn, or Pulse; Tobacco, and all Kind of Spices; salted and smoked Flesh, salted and dried Fish, Butter, Cheese, Beer, Oil, Wine, Sugar, and all Kind of Salt; and in general, all Provision which serve for the Nourishment and Sustenance of Life; likewise all Kind of Cotton, Hemp, Flax and Pitch, and Ropes, Sails and Anchors; also Masts and Planks, Boards and Beams of any Kind of Wood, and all other Materials requisite for building or repairing Ships; but they shall be wholly reputed free Goods, as likewise all other Wares and Things which are not comprehended in the next preceding Article; so that the same may be freely transported and carried by the Subjects of his said Majesty, even unto Places at Enmity with the said States; as also on the other Side, by the Subjects of the said States to Places under the Obedience of the Enemies of his said Majesty, except only to Towns or Places besieged, block'd up, or invested.

A R T I C L E V.

And that all Differences and Contentions on both Sides, by Sea and Land, may from henceforth cease and be utterly extinguished; it is agreed, that all Kind of Ships and Vessels whatsoever belonging to the Subjects of his said Majesty, entering or being entered into any Road or Port under the Obedience of the Lords the States, and purposing to pass from thence, shall be only obliged to shew unto the Officers of such Port, or to the Captains of the Guardships or Privateers belonging to the States (if any happen there to be) their Passport according to the Form annexed to this present Treaty; nor shall any Money, or any thing else be exacted from them upon that Account: But if any Ship belonging to the Subjects of his Majesty of *Great-Britain*, shall in the open Sea, or elsewhere out of the Dominions of the said States, meet any Ships of War of the said Lords the States, or Privateers

Merchant Ships
to shew their
Passports in Ports.

Merchant Ships
at Sea meeting
Ships of War, to
pass freely on
showing their
Passports,

belonging to their Subjects, the said Ships of the Lords the States, or of their Subjects, shall keep at a convenient Distance and only send out their Boat, with two or three Men only, to go on board such Ships and Vessels of the Subjects of his Majesty, in order that the Passport (or Sea Brief) concerning the Property thereof, according to the Form here under annexed, may be produced to them by the Captain or Master of such Ship or Vessel belonging to the Subjects of his Majesty; and the said Ships so producing the same, shall freely pass; and it shall not be lawful to molest, search, detain, or force such Ship from her intended Voyage: And the Subjects of the Lords the States shall enjoy in all things the same Liberty and Immunity, they in like manner shewing their Passport (or Sea Brief) made out according to the Form prescribed at the Foot of this Treaty.

ARTICLE VI.

Merchant Ships
going into an E-
nemy's Port to
produce their
Cockets as well
as Passports.

But if any Ship or Vessel belonging to the *English*, or other Subjects of *Great-Britain*, shall be met making into any Port belonging to an Enemy of the Lords the States; or, on the other Side, if any Ship belonging to the *United Provinces* of the *Netherlands*, or other Subjects of the Lords the States, shall be met in her way making into any Port under the Obedience of the Enemies of his said Majesty, such Ship shall shew not only a Passport (or Sea Brief) according to the Form hereunder subscribed, wherewith she is to be furnished, but also her Certificate or Cocket; containing a Particular of the Goods on board, given in the usual Form, by the Officers of the Customs of that Port from whence she came; whereby it may be known whether she is laden with any of the Goods prohibited by the Third Article of this Treaty.

ARTICLE

ARTICLE VII.

But in case that, upon shewing such Cockets containing a Particular of the Goods on board, given in the usual Form by the Officers of the Customs of that Port from whence the said Ship sailed (concerning the shewing whereof it is above agreed) either Party shall discover any of that Kind of Goods, which by the Third Article of this Treaty are declared to be contraband or prohibited, consigned to any Port under the Obedience of their Enemies, it shall not then be lawful to open the Hatches of such Ship, in which the same shall happen to be found, whether she belongs to the Subjects of his Majesty, or of the Lords the States; nor to unlock or break open any Chests, Packs, or Casks in the same; nor to convey away any the least Part of the Merchandizes, before the whole Cargo be first put on Shore in the Presence of the Officers of the Admiralty, and an Inventory made of the same; neither shall it be lawful to sell, exchange, or any way to alienate the same, before such prohibited Goods shall be duly and lawfully proceeded against, and that the Judges of the Admiralty respectively shall by Sentence have declared the same confiscated: Provided always, that as well the Ship itself, as the rest of the Goods found in the same, which by this Treaty are to be reputed free, shall not be detained upon Pretence of their being infected by such prohibited Goods, much less confiscated as lawful Prize; and if a Part only, and not the whole of the Lading, shall consist of contraband or prohibited Goods, and the Master of the Ship shall be willing and ready to deliver them to the Captor who discovered the same, in that case the Captor shall not compel the Ship to go out of her Course to any Port he thinks fit, but shall forthwith dismiss her, and upon no account hinder

Ships taken with contraband Goods on board to be brought into the Port.

Contraband Goods only to be condemned, the Ship and other Goods to go free.

On immediate Delivery of contraband Goods to the Captor, the Ship to be dismissed.

hinder her from freely pursuing her intended Voyage.

ARTICLE VIII.

All Goods found
in Enemies Ships,
to be confiscated.

Free Ships make
free Goods, ex-
cept contraband.

Goods taken on
board Enemies
Ships within
times limited not
forfeited.

Whatsoever shall be found laden by his Majesty's Subjects upon any Ship whatsoever belonging to the Enemies of the Lords the States, altho' the same be not of the Quality of contraband Goods, may be confiscated: But, on the contrary, all that which shall be found put on board Ships belonging to the Subjects of the King of *Great-Britain*, shall be accounted clear and free, altho' the whole Lading, or any Part thereof by just Title of Property should belong to the Enemies of the Lords the States, except always contraband Goods: But in case any such are intercepted, all things shall be done according to the Meaning and Direction of the foregoing Articles; and so likewise whatsoever shall be found laden by the Subjects of the Lords the States in any Ship whatsoever belonging to the Enemies of his Majesty, although the same be not of the Quality of contraband Goods, may be confiscated: But on the other Side, all that which shall be found put on board Ships belonging to the Subjects of the Lords the States, shall be accounted clear and free, although the whole Lading, or any Part thereof, by just Title of Property should belong to the Enemies of his Majesty; except always contraband Goods; but in case any such are intercepted, all Things shall be done according to the Meaning and Direction of the foregoing Articles; and least any Damage should by Surprize be done to the one Party being at Peace, upon the first breaking out of a War with the other Party, it is provided and agreed, that a Ship belonging to the Enemies of either Party, and laden with Goods of the Subjects of the other, shall not by its Infektion render the said Goods liable to Confiscation, in case they were

laden

laden before the Expiration of the Terms hereafter mentioned, after the Declaration or Publication of any such War, viz. If the Goods were laden in any Port or Place between the Places or Limits called the Soundings, and the Naze in *Norway*, within the Space of six Weeks after such Declaration; of two Months between the said Place, the Soundings, and the City of *Tangier*; of ten Weeks in the *Mediterranean Sea*; or within the Space of eight Months in any other Country or Place of the World; so that it shall not be lawful to confiscate the Goods of the Subjects of his Majesty, taken or seized in any Ship or Vessel whatsoever of any Enemy of the Lords the States upon that account, but the same shall be without Delay restored to the Proprietors, unless they were laden after the Expiration of the said Terms respectively; but so as it shall not be lawful for them afterwards to carry to Enemies Ports any of the said Merchandizes which are called Contraband, and which for the reason aforesaid shall not be liable to Confiscation; neither on the other Side, shall it be lawful to confiscate the Goods of the Subjects of the Lords the States, taken or seized in any Ship or Vessel whatsoever of an Enemy of his Majesty upon that Pretence, but the same shall be forthwith restored to the Proprietor thereof, unless they were laden after the Expiration of the said Terms respectively; but so as it shall not be lawful for them afterwards to carry to Enemies Ports any of the said Merchandizes which are called Contraband, and which for the Reasons aforesaid shall not be liable to Confiscation.

A R T I C L E IX.

And the more effectually to secure the Subjects of his Majesty and of the said States, that no Injury shall be offered to them by the Ships of War or Privateers of either Side, all the Captains of Ships

Captains and Commanders on either Side, not to injure the Subjects of the other.

Ships, as well of his Majesty, as of the said States, and of all their Subjects, who shall fit out Privateers, and likewise their privileged Companies, shall strictly be enjoined not to do any Injury or Damage whatsoever to the other; and that if they transgress therein, they shall be punished; and moreover be liable to satisfy all Costs and Damages, by due Restitution and Reparation, upon Pain and Obligation of Person and Goods.

A R T I C L E X I V .

All Torture of
Persons on board
Prizes prohibited.

And whereas the Masters of Merchant Ships, and likewise the Mariners and Passengers, do sometimes suffer many Cruelties and barbarous Treatment, when they are brought under the Power of Ships which take Prizes in Time of War, the Captors in an inhuman Manner tormenting them, in order to extort from them such Confessions as they would have to be made; it is agreed, that both his Majesty and the Lords the States General, shall by the most strict Proclamations or Placarts, forbid all such heinous and inhuman Offences; and as many as they shall by lawful Proofs find guilty of such Acts, they shall take care to punish in a just and proper Manner, so as to be a Terror to others; and they shall command that all Captains and Officers of Ships who shall be proved to have been guilty of such heinous Practices, either by their own Act, or by instigating others to act the same, or by conniving at such doings, shall (besides other Punishments to be inflicted proportionably to their Offences) be forthwith deprived of their Posts and Commissions respectively; and every Ship brought in as a Prize, whose Mariners or Passengers shall have suffered any Torture, shall forthwith be dismissed and set free, with all her Lading, without any further Examination or proceeding against her, either judicially or otherwise.

The Form of the Passport (or Sea Brief) to be asked of and given by the Burgo-Master of the Cities and Ports of the United Netherlands, to the Ships or Vessels sailing from thence, according to the Purport of the Fifth Article of this Treaty.

TO the Most Serene, Most Illustrious, Most Mighty, Most Noble, Most Honourable, and Most Prudent Emperors, Kings, Governors of Common wealths, Princes, Dukes, Barons, Lords, Burger-Masters, Schepens, Counsellors, Judges, Officers, Justices and Rulers of all Cities and Places as well Ecclesiastical as Secular, to whom these Presents shall be shewn: We the Burger-Masters and Rulers of the City of do certify, that Master or Skipper of the Ship appeared before us, and declared by solemn Oath, that the said Ship called the containing about Lasts, of which he is at present Master or Skipper, belongeth to the Inhabitants of the *United Netherlands*. So help him God. And in regard it would be most acceptable to us, that the said Master or Skipper be assisted in his just and lawful Affairs, we do request you, and every of you, wherefoever the said Master or Skipper shall arrive with his Ship, and the Goods laden on board and carried in her, that you will please to receive him courteously, and use him kindly, and admit him, upon paying the lawful and usual Customs and other Duties, to enter into, remain in, and pass from your Ports, Rivers and Dominions, and there to enjoy all kind of Right of Navigation, Traffick, and Commerce, in all Places where he shall think fit; which we shall most willingly and readily acknowledge upon all Occasions: In Testimony and
Con-

Confirmation whereof, we have caused the Seal
of our City to be put to these Presents, dated at
in the day of in the Year
of our Lord .

*Treaty of Peace between Great-Britain and
the States General; concluded at Westmin-
ster, February the 2^d, 1673-4.*

ARTICLE IV.

1673-4. **T**HE States General of the *United Provinces*
duly acknowledging on their Part the Right
of his Majesty the King of *Great-Britain*, that
Honour be paid to his Flag in the Seas herein after
mentioned, shall and do declare and agree, that
whatever Ships and Vessels belonging to the said
United Provinces, whether Ships of War or others,
and whether they be single, or joined together in
Fleets, shall meet in any Seas from *Cape Finisterre* to
the middle Point of the *Land Van Staten* in *Norway*,
with any Ships or Vessels whatsoever belonging to
his Most Serene Majesty the King of *Great-Britain*,
whether those Ships be single or in a greater Num-
ber, if they carry his *Britannick* Majesty's Flag or
Jack, the said Ships or Vessels of the *United Pro-
vinces* shall strike their Flag and lower their Topsail,
in the same Manner and with like Tokens of Ho-
nour, as hath ever been at any Time or in any
Place heretofore used towards any Ship of his *Brit-
tannick* Majesty, or of his Predecessors, by any
Ships of the States General, and of their Prede-
cessors.

All Dutch Ships
to strike to the
King of *Great-
Britain's* Ships in
certain Seas.

Secret Article of the said Treaty.

Neither Party to furnish any Sup-
plies to the Ene-
my of the other. Neither of the said Parties shall give nor consent
that any of their Subjects or Inhabitants shall give
any Aid, Favour or Counsel, directly or indirectly,
by

by Land or by Sea, or on the fresh Waters, nor shall furnish, nor consent that the Subjects and Inhabitants of their Dominions and Countries shall furnish any Ships, Soldiers, Mariners, Provisions, Money, Instruments of War, Gunpowder, or any other Things necessary for making War, to the Enemies of the other Party, of any Rank or Condition whatsoever.

Marine Treaty between Great-Britain and the States General ; concluded at the Hague the 17th of February, 1667-8.

A R T I C L E I.

ALL the Subjects and Inhabitants of *Great-Britain* may with all Safety and Freedom, sail and traffick in all the Kingdoms, Countries and Estates, which are or shall be in Peace, Amity or Neutrality with *Great-Britain*, without any Hindrance or Molestation from the Ships of War, Gallies, Frigates, Barques, or other Vessels belonging to the States General, or any of their Subjects, upon occasion and account of any War which may hereafter happen between the said States General and the abovesaid Kingdoms, Countries and Estates, or any of them which are or shall be in Peace, Amity or Neutrality with *Great-Britain*.

1667-8.
Free Trade with
neutral Powers
at War with the
other Party.

A R T I C L E II.

This Freedom of Navigation and Commerce shall extend to all Sorts of Merchandize, excepting Contraband Goods.

Free Trade for
all Goods, except
contraband.

A R T I C L E III.

This Term of Contraband Goods is to be understood to comprehend only all Sorts of Fire-Arms, and their Appurtenances, as Cannon, Muskets, Mor-

Contraband
Goods specified.

Mortar-Pieces, Petards, Bombs, Granadoes, Fire-
Crancels, pitched Hoops, Carriages, Rests, Barr-
deliers, Powder, Match, Salt-petre, Bullets, Pikes,
Swords, Morions, Head-Pieces, Coats of Mail,
Halberts, Javelins, Horses, great Saddles, Holst-
ters, Belts, and other Utenfils of War; called in
French, Assortiments Servans a l'usage de la Guerre.

ARTICLE IV.

What are not to
be deemed contra-
band.

Under the Head of Contraband Goods, these
following shall not be comprehended, Corn, Wheat,
or other Grain; Pulse, Oils, Wines, Salt, or gene-
rally any thing that belongs to the Nourishment or
Sustenance of Life, but they shall remain free; as
likewise all other Merchandizes and Commodities
not comprehended in the foregoing Article; and
the Transportation of them shall be permitted even
unto Places at Enmity with the said States General;
except such Cities and Places as are besieged,
block'd up or invested.

All such may be
carried to an E-
nemy's Country.

ARTICLE V.

Merchant Ships
to shew their
Passports in Ports,
before their going
out,

It is agreed, for the due Execution of what is
abovesaid, that the Ships or Vessels of the *English*,
laden with Merchandize, being entered into any
Port of the said States General, and purposing to
pass from thence into Places at Enmity with the
said States, shall be only obliged to shew unto the
Officers of such Port of the said States, their Pass-
ports, containing a Specification of their Cargo,
attested and mark'd with the ordinary Seal of the
Officers of the Admiralty, of those Places from
whence they first came; together with the Place
whither they are bound, all in the usual and ac-
customed Form: And after having exhibited their
Passports, as aforesaid, they shall not be molested or
search'd, detained or retarded in their Voyage, upon
any Pretence whatsoever.

ARTICLE

ARTICLE VI.

In like manner, *English* Ships and Vessels which shall come into any Roads upon the Coasts under the Obedience of the said States, not intending to enter into Port, or being entered into Port, and not intending to unlade or break Bulk, shall not be obliged to give account of their Lading, except in Case of Suspicion that they carry unto the Enemies of the said States any contraband Goods, such as are above specified.

Ships in any Port or Road not obliged to unliver or give account of their Lading, unless suspected.

ARTICLE VII.

And in case of such apparent Suspicion, the said Subjects of his Majesty shall be obliged to exhibit in Port their Passports according to the Form above specified.

In case of Suspicion, to shew their Passports.

ARTICLE VIII.

But if they shall come near any of the Coasts of the States, and meet in the open Sea with any of the States Ships, or any Privateers fitted out by their Subjects under public Commissions; for the avoiding all Inconveniences, such Ships of the said States, or of their Subjects, shall not come within Cannon-Shot of the *English*, but may send out their Boat and board such *English* Ships or Vessels with two or three Men only, in order that the Master or Captain of the *English* Ship may exhibit to them his Passports as above mentioned, and likewise his Sea Letters or Certificates concerning the Property of the Ship, according to the Form subjoined to this Treaty; whereby it may appear not only what the Lading consists of, but likewise the Place of the Master or Captain's Abode and Residence, together with the Ship's Name, may be known; to the End, that by those Means it be discovered, whether they carry any contraband Goods for the

Ships of War to keep at Distance from Merchant Ships at Sea, and only to send their Boats to examine their Passports and Cockets,

H

Enemy;

Enemy; and the Quality of the Ship, and of the Captain or Master thereof, may sufficiently appear; unto which Passports and Sea Letters entire Faith and Credit shall be given: and for the better Assurance of their being authentick, and that they may not be falsified or counterfeit, some certain Marks and Counter signs of his said Majesty and of the said States shall therein be made use of.

ARTICLE IX.

Contraband
Goods only to be
confiscated.

And in case any of those Goods and Commodities, which are before declared to be contraband and prohibited, shall by the means aforesaid be discovered in the said *English* Ships and Vessels, bound for any Port of the said States Enemies, they shall be unladen and then judicially proceeded against, and declared confiscated before and by the Judges of the Admiralty, or other competent Officers; but so as the Ship or Vessel itself, or other free and allowed Goods, Merchandize and Commodities found in the same Ship, may not for that Cause be in any manner seized or confiscated.

ARTICLE X.

All Goods found
in Enemies Ships
to be confiscated.

Whatsoever shall be found laden by his Majesty's Subjects upon a Ship of the Enemies of the said States, although the same were not contraband, shall yet be confiscated, with all that shall be found in such Ship, without Exception or Reservation; but on the other Side, all that shall be found in any Ships belonging to any Subjects of the King of *Great-Britain*, shall be free and discharged, although the Lading or any Part thereof belong to the Enemies of the said States, except contraband Goods, in regard whereof such Rule shall be observed, as hath been laid down in the foregoing Articles.

Free Ships make
free Goods.

ARTICLE

ARTICLE XI.

The Subjects and Inhabitants of the *United Provinces* shall reciprocally enjoy the same Rights, Liberties and Exemptions, with regard to Navigation and Commerce, in the Coasts, Ports, Roads, Seas and Dominions of the King of *Great-Britain*, in the same manner as it is above agreed, that the Subjects of the said King are to enjoy the same in those Places, which are under the Obedience of the States, as likewise in the open Sea, it being intended and to be understood, that they shall be on an equal Foot on both Sides, in all and singular Matters, in case the said States shall hereafter be in Peace and Friendship or Neutrality with any Kings, Princes or States, who shall be at War with the King of *Great-Britain*; so that both Parties are directly to use and observe the same Conditions and Restrictions, which are contained in the Articles therein agreed upon and which regard Commerce.

The above Rules
to be equal to
both Parties.

ARTICLE XII.

And the more effectually to secure the Subjects of the said States, that no Violence shall be offered them by the Ships of War belonging to his Majesty of *Great-Britain*, or his Subjects, all the Captains of the King's Ships, and all his Majesty's Subjects, that fit out Privateers, shall be strictly charged and enjoined not to molest or injure them in any Respect whatsoever, upon pain of being punished and made answerable in their Persons and Goods for all Costs and Damages, and for making full Restitution and Reparation.

No Injury to be
done to the States
Subjects.

Transgressors to
be punished, and
to make Repara-
tion.

ARTICLE XIV.

If any Commander of an *English* Ship shall meet with and take a Ship laden with any of the said contraband Goods, he may not open or break up any of her Chests, Packs, Bags or Casks, nor sell,

Contraband
Goods not to be
meddled with at
Sea by the Cap-
tains, but brought
into Port and
bar-landed,

On delivery of
contraband Goods
at Sea to the Cap-
tor, the Ship to
be dismissed,

barter, or any ways dispose of the same, before they are first landed in the Presence of the Judges or Officers of the Admiralty; and that an Inventory be first made by them of the Goods found in the said Ship; unless where the contraband Goods make but a Part of the Cargo, and the Master of the Ship is willing to deliver up such Goods immediately, so as they may be taken from on board and carried away, that he may not be retarded in his intended Voyage; in which case he shall not be further molested or hindered from pursuing his Course and Voyage.

N.B. The Form of the Passport inserted at the Foot of this Treaty, is the same verbatim with that annexed to the Marine Treaty of 1674.

A Provisional Marine Treaty between Great-Britain and the States General; concluded at Bredah, on the same Day with the General Treaty of Peace and Alliance, viz, 31st of July, 1667.

ARTICLE III.

1667.
Marine Treaty of
1662, between
France and the
States, confirmed
between England
and the States.

IT is covenanted and agreed, that the Treaty of Navigation and Commerce made between the Most Christian King and the said States General, (beginning from the 26th, unto the 42d Article inclusively) in manner as here inserted in the *French* Language, may provisionally serve for a Rule and Law, and so make way for concluding a more perfect and compleat Treaty concerning Maritime Commerce between the above mentioned Parties.

[Then the said Treaty proceeds to recite the said Seventeen Articles of the Marine Treaty of 1662, between *France* and the States General, from the 26th to the 42d Article inclusively, with an additional

tional

tional Article, whereby the present contracting Powers accept and confirm the same between themselves respectively: But all the said Articles are transferred to and made Part of the Marine Treaty of *February 7, 1667-8*, and are recited therein Article by Article, and almost Word for Word the same with the said Seventeen Articles which compose the whole of this Marine Treaty of *July, 1667*.

Treaty of Peace and Alliance between Great-Britain and the States General; concluded at Bredah, $\frac{21}{17}$ of July, 1667.

ARTICLE XIII.

THAT the said King of *Great-Britain* and his Subjects, and all the Inhabitants of his Majesty's Dominions; and also the said *United Provinces*, and their Subjects and Inhabitants, of what Rank or Condition soever they be, shall be bound to treat each other in a kind and friendly manner in all Things; so that they may freely and safely pass by Land or by Water into each others Countries, Cities, Towns, walled or unwalled, fortified or unfortified, and likewise their Ports, and all other their Dominions situate in *Europe*; and continue and abide therein as long as they please, and there buy such Provisions as shall be necessary for their Use, without any Hindrance; and likewise trade and traffick in Goods and Commodities of all Sorts, as to them shall seem fit, and export and import them at their pleasure; provided they pay the usual Duties, and saving all the Laws and Ordinances of both Nations; so as the Subjects and Inhabitants of either Party carrying on their Trade in each other's Countries and Dominions, shall not be obliged hereafter to pay any more or other Customs, Imposts, or other Duties, than according

Peace and Amity,
free Passage and
Commerce in *Europe*.

To pay the same
Duties with other
Nations.

to that Proportion which other Foreigners trading in the same Places do usually pay.

ARTICLE XIX.

Dutch Ships to strike to the King of Great-Britain's Ships in the British Seas.

That the Ships and Vessels of the said *United Provinces*, as well Ships of War as others, meeting any Ships of War belonging to the said King of *Great-Britain* in the *British* Seas, shall strike the Flag and lower the Top-sail, in such manner as the same hath been formerly observed in any Times whatsoever.

ARTICLE XX.

Pirates not to be harboured or assisted.

And for the greater Freedom of Commerce and Navigation, it is agreed and concluded, that the said King of *Great-Britain* and the said States General shall not receive into their Ports, Cities and Towns, nor suffer that any of the Subjects of either Party do receive any Pirates or Sea Rovers, or afford them any Entertainment, Assistance or Provisions, but shall endeavour that all such Pirates and Sea Rovers, and their Partners, Sharers and Abettors, be found out and apprehended, and that they suffer condign Punishment for a Terror to others: And all the Ships, Goods and Commodities, piratically taken by them, and brought into the Ports of either Party, which can be found, even although they be sold, shall be restored to the right Owners, or Satisfaction shall be given either to their Owners, or to those who by Virtue of Letters of Attorney shall demand the same; provided their Right and Property therein be made to appear in the Court of Admiralty by due Proofs according to Law.

Goods piratically taken to be restored.

ARTICLE XXI.

Subjects of either Party not to accept or act under any Commission against the other.

The Subjects of the said King of *Great-Britain*, and the Inhabitants of the Kingdoms and Countries under his Obedience; as likewise the Inhabitants and

and Subjects of the said *United Provinces*, shall not be permitted to do or offer any Hostility or Violence to each other, either by Land or by Sea, upon any Pretence or Colour whatsoever: And consequently it shall not be lawful for the said Subjects or Inhabitants to procure Commissions or Letters of Reprizals from any Prince or State, with whom either of the Confederates are at Variance or in open War; and much less by Virtue of such Letters to molest or do any Damage to the Subjects of either Party; neither shall it be lawful for any foreign Privateers, who are not Subjects to either Confederate, having Commissions from any other Prince or State, to fit out their Ships in the Ports of either of the aforesaid Parties, or to sell their Prizes, or put the same to Ransom, or any other way to truck either the Ships and Goods, or any other Lading whatsoever; and they shall not even be allowed to buy any Provisions but what shall be necessary to bring them to the next Port of that Prince from whom they obtained their said Commissions; and if perchance any one of the Subjects of the said King of *Great-Britain*, or of the said States General shall buy or get to himself by Truck, or any other way, any Ship or Goods which have been taken from the Subjects of the one or the other Party, in such case the said Subject shall be bound to restore the said Ship or Goods to the Proprietors without any Delay, and without any Compensation or Reimbursement of any Money which may have been paid or promised for the same; provided that they make it appear before the Council of the said King of *Great-Britain*, or before the said States General, that they are the right Owners or Proprietors of the same.

Persons acting under other Commissions against either Party not to be assisted or suffered to sell their Prizes.

Goods taken from either Party to be restored.

ARTICLE XXIV.

The Subjects of the said King of *Great-Britain*, and those which are under his Dominions, may freely and securely travel in and through all the

Free Passage and Intercourse on both Sides in all their *European* Dominions.

Provinces of the *United Netherlands*, and all their Dominions in *Europe*, by Sea or Land, and pass to any other Places therein or beyond them, and thro' all Quarters of the *United Provinces*, and all Cities, Forts or Garrisons whatsoever, which are in any Places of the *United Provinces*, or which are or shall be in any other their Dominions in *Europe*, and may trade in all those Places, as likewise their Agents, Factors and Servants; and may go armed or unarmed (but if armed not above forty in a Company) as well without their Goods and Merchandizes as with them, wheresoever they please. The People also and Inhabitants of the *United Provinces* shall enjoy the same Liberty and Freedom in all the Dominions of the said King in *Europe*: Provided that they and every of them do in their Trade and Merchandizing yield due Obedience to the Laws and Ordinances of either Nation respectively.

ARTICLE XXV.

Merchant Ships forced in, to depart without Search or Molestation.

In case any Merchant Ships belonging to the Subjects of either Nation shall by Storm, Pirates, or any other Necessity whatsoever, be driven into any Port of either Dominion, they may depart securely and at their Pleasure with their Ships and Goods, without paying any Customs or other Duties; (provided they do not break Bulk nor sell any thing:) nor shall they be subject to any Molestation or Search, provided they do not take on board any Persons or Goods, nor do any thing else contrary to the Laws, Ordinances or Customs of the Places where they shall happen to arrive as aforesaid.

ARTICLE XXVI.

Ships of the other Party not to be forced into Service.

Merchants, Masters and Mariners of either Party, or their Ships, Goods, Wares or Merchandizes, shall not be arrested or detained in the Lands, Ports, Roads or Rivers of the other to serve in War,

War, or for any other Service, by Virtue of any general or special Order, unless upon an extraordinary Necessity; and then just Satisfaction shall be made for the same; but so as this shall be no Prohibition or Hindrance of any Embargoes or Arrests duly made, and in the ordinary Course according to the Laws of either Country.

A R T I C L E XXVII.

Merchants on both Sides, their Factors and Servants, and also the Masters and other Mariners, as well going as returning in their Ships by Sea and other Waters, as also in the Ports of either Party, or going on Shore, may carry and use for the Defence of themselves and Goods, all Sorts of Weapons as well offensive as defensive, but coming into any Lodgings or Inns, they shall there lay by and leave their Arms, until they go on board again.

Use of Arms allowed on both Sides.

A R T I C L E XXVIII.

Ships of War, or Convoys of either Nation meeting or overtaking at Sea any Merchant Ships, or Vessels belonging to the Subjects or Inhabitants of the other, holding the same Course, or going the same Way, shall be bound, as long they keep one Course together, to protect and defend them against all Attacks whatsoever.

Ships of War to protect the Merchant Ships of the other Party.

A R T I C L E XXIX.

If any Ship or Ships belonging to the Subjects or Inhabitants of either Party, or of any other Nation in Neutrality with them, shall be taken in the Ports of either Nation by any third Party, not being Subjects or Inhabitants of either Nation; they, in whose Port, or out of whose Port or Dominion whatsoever such Ships shall be taken, shall be obliged to endeavour jointly with the other Party, that the said Ship or Ships be pursued, brought back

Ships of one Party taken out of a Port of the other, to be pursued and restored.

back and restored to the Owners; but this shall be done at the Charges of the Owners or Persons having an Interest therein.

ARTICLE XXXIV.

Free Ingress and
Egress for all
Ships into and
out of all Ports.

Number of Ships
of War limited.

Ships of War not
to come in with-
out Leave, unless
forced in.

The Subjects and Inhabitants of either Party shall always have free Access to each other's Sea Ports, there to remain, and from thence to depart with equal Liberty; and not only with their Merchant Ships and Cargo, but also with their Ships of War, whether they belong to the said King, or to the said States General, or unto such as have obtained special Commissions from either; and whether they put in through Stress of Weather, or other Casualty of the Seas, or in order to repair their Ships, or buy Provisions; so as they exceed not the Number of Eight Ships of War, when they come in voluntarily; but they shall not remain or abide longer in such Ports or Places adjacent, than shall be requisite to repair their said Ships, or to buy Provisions or other Necessaries: And in case a greater Number of Ships of War should be willing upon occasion to come into such Ports, they shall in no case enter therein, until they have first obtained Leave from those to whom such Ports shall appertain; unless they be forced by Storm, or some Force or Necessity, to avoid the Danger of the Sea; in which case also they shall presently make known the Cause of their coming unto the Governor or chief Magistrate of the Place, and shall stay no longer than the said Governor or chief Magistrate shall permit them; and shall not attempt any Acts of Hostility, or other prejudicial Act of the aforesaid Ports, during their Abode there.

Treaty of Peace and Alliance between Great-Britain and the States General; concluded at Whitehall, 1st of September, 1662.

ARticles the 9th, 10th, 11th, 12th, 16th, 17th, 18th, 19th, 20th, 21st, and 25th of this Treaty, are the same verbatim with the above recited Articles of the Treaty of 1667.

Treaty of Peace and Alliance between Great-Britain and the States General; concluded at Westminster, April 5, 1654.

ARticles the 12th, 13th, 14th, 17th, 18th, 19th, 20th, 21st, 22d, and 26th of this Treaty, are the same with the several above recited Articles of the two last mentioned Treaties, excepting the 21st Article of the Treaty of 1667, which answers to the 12th Article of the Treaty of 1662, and is not contained in this Treaty.

Articles and Clauses of several Treaties between Great-Britain and the States General; containing a Renewal or Confirmation of former Treaties, ancient Usages, and amicable Intercourse between the said two Nations.

Treaty of Vienna.

ARTICLE I.

1731.
All former Treaties confirmed.

ALL former Treaties or Conventions of Peace, Friendship and Alliance shall have their full Effect, and shall preserve in all and every Part their full Force and Virtue, and shall even be looked upon as renewed and confirmed by Virtue of this present Treaty; except only such Articles, Clauses and Conditions from which it has been thought fit to derogate by this present Treaty.

Treaty of Seville.

ARTICLE I.

1729.
All former Treaties confirmed.

ALL former Treaties and Conventions of Peace and Friendship, and of Commerce, concluded between the contracting Parties respectively, shall be, as they hereby are, effectually renewed and confirmed in all those Points which are not derogated from by this present Treaty, in as full and ample Manner as if the said Treaties were here inserted; the said Parties promising not to do,
or

or suffer any thing to be done, that may be contrary thereto, directly or indirectly.

Treaty of Alliance, concluded at Westminster, between Great-Britain and the States General, February 6, 1715-6.

ARTICLE II.

IT is agreed, that all and every the Treaties of 1715-6.
Peace, Friendship, Alliance, Navigation and Confirmation of
Commerce hereunder specified, be approved and the two Treaties
confirmed, viz. The Treaty of Peace, Friendship of *Bredab*, 1667.
and Alliance, concluded at *Bredab*, on the $\frac{21}{31}$ Day of Marine Treaty
July 1667; the Treaty of Navigation and Commerce 1667-8.
made at the same Time and Place; the Treaty of Treaty of Peace
Navigation and Commerce settled at the *Hague*, on 1673-4.
the $\frac{7}{17}$ Day of *February*, 1667-8; the Treaty of Marine Treaty
Peace and Friendship, concluded at *Westminster*, on 1674.
the $\frac{9}{19}$ Day of *February*, 1673-4; the Treaty of Declaration 1675.
Marine, concluded at *London*, on the $\frac{1}{11}$ Day of Article settled
December, 1674; together with the Declaration 1674-5.
signed at the *Hague* on the $\frac{20}{30}$ Day of *December*, Treaty of Alli-
1675; whereby the Sense of certain Articles, as ance 1677-8.
well in the said Treaty of 1674, as in the other Two Treaties
Marine Treaty of 1667-8, is explained; the Ar- 1689.
ticle for preventing and accommodating Disputes Barrier Treaty
which may arise between the *English* and the *Dutch* 1712-13, altered
East-India Companies, settled at *London* on the $\frac{9}{18}$ by the Treaty of
Day of *March*, 1674-5; the defensive Alliance 1715.
concluded at *Westminster*, on the 3d Day of *March*,
1677-8; the Treaty settling the Proportions be-
tween the Fleets of both Nations, concluded at
Whitehall, on the 29th of *April*, 1689; the Treaty
concerning the Ships and Goods which might be
recovered from the Enemy during the War, con-
cluded at *Whitehall*, on the 22d of *October*, 1689;
the Treaty concerning the Succession to the Crown
of

of *Great-Britain*, and the Barrier of the *United Provinces*, made at *Utrecht*, on the $\frac{1}{3}^{\circ}$ of *January*, 1712-13; excepting wherein it is altered by the Barrier Treaty of *Antwerp*, made on the 15th of *November* 1715; and the abovementioned Treaties, and all and singular the Articles thereof, are by this present Treaty actually approved, and confirmed, and shall have the same Force and Effect as if they had been inserted here verbatim; that is to say, so far as they do not differ or are contrary to one another, or are not contrary to this present Treaty: Yet so as whatever hath been established by any later Treaty, shall be understood and performed in the Sense therein expressed, without any regard had to any former Treaty.

Treaty of Succession and Barrier; concluded at Utrecht, on the $\frac{1}{3}^{\circ}$ of January, 1712-13.

ARTICLE I.

1712-3.
All former Treaties confirmed, except that of 1709.

ALL Treaties of Peace, Friendship, Union and Confederacy (except the Treaty of the 29th of *October*, 1709, which is hereby abrogated) concluded between her said Royal Majesty and the Lords the States General, are hereby approved and confirmed; and shall be of the same Virtue and Force, as if they had been inserted in this present Treaty.

ARTICLE XIII.

All ancient Privileges confirmed to the *English* in the *Netherlands* and *Barrier*.

The Subjects of the Queen of *Great-Britain*, shall for the future, both in Time of War and in Time of Peace, enjoy the same Privileges, Immunities, Franchises, and all Manner of Advantages in relation to Trade, as well for Importation as Exportation, which they ever have or ought to have enjoyed heretofore, in all Places of the Pro-

vinces of the *Spanish Netherlands*, and of the Barrier, which is to be yielded to the States General; And moreover, they shall enjoy all Privileges, Immunities and Advantages which have already been granted, or shall at any time hereafter be granted, to the Subjects of the States General in the Provinces of the *Spanish Netherlands*, and Places belonging to the said Barrier.

Treaty of Alliance.

ARTICLE III.

ALL the Alliances concluded between the said 1700.
King and the said Lords the States General of Former Alliances confirmed.
the *United Netherlands*, shall remain entire and in Force, every one according to the Term fixed for its Duration.

Treaty of Amity and Alliance.

THERE shall be for the future, a sincere, 1689.
firm and perpetual Friendship and Correspondence, as well by Sea as by Land, in and Universal Peace and Amity.
throughout all Places, as well out of as within *Europe*, between the King of *Great-Britain*, and his Successors Kings of *Great-Britain*, and their Kingdoms on the one Part, and the States General of the *United Provinces* of the *Netherlands* on the other Part, and their Dominions, Countries and Subjects reciprocally.

All Treaties of Peace, Friendship, Alliance, Commerce and Marine hereafter specified, shall be approved and confirmed on both Sides, viz.

The Treaty of Peace concluded at *Breda*, in Treaties of 1667, 1673-4, 1679, 1674-5, 1677-8, 1689, confirmed.
1667.

The

The Treaty of Navigation and Commerce at the same Time and Place.

The Treaty of Peace concluded at *Westminster*, in 1673-4.

The Marine Treaty concluded at *London*, the 10th of *October*, 1679, with a Declaration explaining several Articles of the said Marine Treaty of the 17th of *February*, 1667-8, concluded at the *Hague* the $\frac{2}{3}$ th of *December*, 1675.

[N.B. There seems to be an Error in this last Article, which probably proceeds from an erroneous Copy inserted in the *Traitez de Paix* and *Corps Diplomatique*, there being no such Marine Treaty made between the *English* and *Dutch* in 1679, but probably that of 1674 was intended, and originally inserted.]

An Article for preventing and composing Disputes between the *English* and *Dutch East-India* Companies, settled at *London*, in 1674-5.

The defensive League, concluded at *London*, in 1677-8.

The Treaty for prohibiting Commerce with *France*, concluded *August* 22, 1689.

All the said Treaties, and all and every Article contained in them, are effectually approved and confirmed by this present Treaty, and shall remain in their original Force and Vigour, as if they were here inserted Word for Word, so far as they do not contradict or derogate from one another, or from this present Treaty; so as the Points and Matters stipulated by a later Treaty, shall be fulfilled in the Time agreed on, without any regard to any Treaty of more ancient Date.

*Treaty for renewing the Alliance between
Great-Britain and the States General; con-
cluded at Windsor, August the 17th, 1685.*

IT is agreed and concluded, that all and singular
the Treaties hereafter mentioned, viz.

The Treaty of Peace concluded at *Breda*, in *July 1667*.

Treaties of 1667,
1673-4, 1674,
1675, 1674-5,
1677-8, confir-
med.

The Treaty of Navigation and Commerce, of
the same Date and Place.

The Treaty of Peace concluded at *Westminster*,
in *February 1673-4*.

The Marine Treaty concluded at *London*, in *De-
cember 1674*, together with the Declaration con-
cluded at the *Hague*, in *December 1675*, more fully
explaining certain Articles of the said Treaty of
1674; as likewise of the Marine Treaty of *Fe-
bruary, 1667-8*.

The Article concluded at *London*, in *March
1674-5*, for preventing or accommodating Disputes
between the two *East-India* Companies.

The Defensive League concluded at *London*, in
March 1677-8, and all and singular the Articles
contained in the said Treaties, and every one of
them shall be for ever hereafter continued, con-
firmed and established, in the same Sense, and to
the same Effect, as they were originally formed and
concluded; and shall have and obtain the same
Force and Vigour hereafter, as they ought or were
esteemed to have heretofore; and that in as ample
Manner and Form as they were at first drawn up
and concluded, and as if the said Treaties and the
several Articles of the same were recited and in-
serted verbatim in these Presents.

*Treaty of Alliance concluded at Westminster,
in 1677-8.*

ARTICLE I.

1677-8.
Universal Peace
and Amity.

THERE shall be for the future a sincere, firm and perpetual Friendship, and good Correspondence between the King of *Great Britain* and his Successors and Kingdoms, on the one Part, and the States General of the *United Provinces* of the *Netherlands*, on the other Part; and their States, Dominions and Subjects reciprocally, as well by Sea as by Land, in and throughout all Places as well within as out of *Europe*.

Treaty of Peace.

1673-4.
Treaty of 1667,
confirmed.

THE Treaty of *Bredah*, concluded in 1667, as likewise all other preceding Treaties confirmed by that Treaty, shall be renewed and remain in full force, in so far as they no ways contradict this present Treaty.

*Treaty of Alliance concluded at the Hague,
January $\frac{13}{23}$, 1667-8.*

1667-8.
Treaty of 1667,
confirmed.

THE said King and the said States General have agreed to confirm the Treaty concluded at *Bredah*, and the Rules and Articles of Commerce thereto belonging; mutually obliging themselves to a sincere and perpetual Observance of them, and to cause them to be strictly observed by their Subjects on both Sides, according to the genuine Sense and Meaning of the said Treaty and Articles.

Treaty

Treaty of Peace concluded at Bredah.

ARTICLE IX.

BOTH the said Parties, and their Subjects ^{1667.} and Inhabitants, shall have and enjoy the Liberty of Trade the same as in 1662. same Liberty of Trade and Navigation, as well in *Africa* as in *America*, as they had and enjoyed, or of Right might have and enjoy at the same time of the Conclusion of the Treaty of 1662.

Treaty of Peace and Alliance between Great-Britain and Portugal, made at Westminster, July 10, 1654.

ARTICLE II.

THAT there shall be a free Commerce between both Nations and their People, Subjects ^{Free Passage and Commerce.} and Inhabitants, as well by Land as on the Sea, and in Rivers and fresh Waters, in all and singular the Countries, Lands, Dominions, Territories, Provinces, Islands, Colonies, Cities, Towns, Villages, Ports and Borders, where Commerce was heretofore, or is at this time carried on, in such manner, that the People, Subjects and Inhabitants of either, may without any safe Conduct, or other general or special Licence, pass by Land and Sea, by Rivers and fresh Waters, to the aforesaid Dominions and Kingdoms, and all their Cities, Towns, Harbours, Shores, Bays and Places; and sail and enter into the same, and import their Merchandizes, with Carriages, Horses, Packs and Ships, laden or to be laden; and buy and sell Goods there, and supply themselves at a reasonable Price with what Provisions they shall think fit, and with all Things necessary

necessary for their Sustenance and Voyage ; and refit their Ships and Carriages, whether their own, or such as are hired or lent; and with the same Liberty depart from thence with their Goods, Merchandize, and all other Things whatsoever, either to their own or foreign Countries, as they shall think fit, and without any Hindrance; saving nevertheless all the Laws and Ordinances of each Place.

ARTICLE VI.

That the Captains, Masters, Officers and Mariners of any Ships belonging to the King of *Great-Britain*, or to any of his People or Subjects, shall not bring any Suits against, or in any wise molest the said Ships or People of *Great-Britain*, within the Kingdoms or Government of the King of *Portugal*, on account of their Stipend or Wages, on Pretence that they profess the *Romish* Religion; nor shall they under this or any other Pretext, engage in the Service of the King of *Portugal*, or in any other manner quit the Ships to whose Crew they belong: And if any shall offend in this Point, an Account shall be taken of their Names, and they shall be compelled by the Magistrates and Officers of the Place to return to their Ships; and if they cannot be found, it shall be lawful for the Master of such Ship or Vessel to detain their Cloaths, Goods or Wages, to make Good the Damage sustained thereby.

That the Captains, Masters, Officers and Mariners of any Ships belonging to the King of *Great-Britain*, or to any of his People or Subjects, shall not bring any Suits against, or in any wise molest the said Ships or People of *Great-Britain*, within the Kingdoms or Government of the King of *Portugal*, on account of their Stipend or Wages, on Pretence that they profess the *Romish* Religion; nor shall they under this or any other Pretext, engage in the Service of the King of *Portugal*, or in any other manner quit the Ships to whose Crew they belong: And if any shall offend in this Point, an Account shall be taken of their Names, and they shall be compelled by the Magistrates and Officers of the Place to return to their Ships; and if they cannot be found, it shall be lawful for the Master of such Ship or Vessel to detain their Cloaths, Goods or Wages, to make Good the Damage sustained thereby.

ARTICLE IX.

That neither the King of *Portugal*, nor any of his Ministers, shall detain or arrest any Merchants, Masters of Ships, Captains or Mariners, or their Ships, Merchandize, or other Goods belonging to *Great-Britain*, or any Subjects thereof, either for the Service of War, or any other Purpose whatsoever, unless the *British* Government, or those to whom

That neither the King of *Portugal*, nor any of his Ministers, shall detain or arrest any Merchants, Masters of Ships, Captains or Mariners, or their Ships, Merchandize, or other Goods belonging to *Great-Britain*, or any Subjects thereof, either for the Service of War, or any other Purpose whatsoever, unless the *British* Government, or those to whom

whom such Ships and Goods appertain are first apprized thereof, and give their Consent ; but all such Ships, Men and Goods, shall at their own Pleasure have free Liberty to depart from the Ports and Dominions of the said King, without any Hindrance from his said Majesty, or any of his Ministers. And the Sale of the Merchandize and Goods of the People of *Great-Britain*, shall not be hindered or delay'd, under Pretence that the King has occasion for them, or for any other Reason whatsoever ; nor shall they be applied to the King's Use, or to any other Uses whatever, without the Consent of the Persons interested.

ARTICLE XI.

The People and Inhabitants of *Great-Britain* shall trade and traffick freely and safely from *Portugal* to *Brazil*, and the other Conquests of the said King in the *West-Indies*; and from *Brazil* and the said other Conquests to *Portugal*, in all Sorts of Goods and Merchandize whatsoever (except Meal, Fish, Wine, Oil, and *Brazil* Wood, which are prohibited by the King, in Pursuance of a Contract with the *Brazil* Company) paying the Dues and Customs which others pay, who trade into those Countries: And the People and Inhabitants of *Great-Britain* shall likewise have the Liberty of navigating to the Colonies, Islands, Countries, Harbours, Districts, Towns, Villages and Staples belonging to the King of *Portugal* in the *East-Indies*, *Guinea*, the Island of *St. Thomas*, and elsewhere on the Coasts and Shores; and may reside, trade and traffick there, by Land or Sea, on the Rivers or fresh Waters, in any Goods or Merchandize whatsoever, and transport all Kind of Merchandize to any Place or Country, with the same Freedom as formerly used by them, and that was ever granted by any former Treaty, or shall hereafter be granted

Free Navigation
and Trade in all
Dominions of
Portugal.

to the Inhabitants of any other Nation, in Alliance and Friendship with that Crown.

A R T I C L E XVIII.

Mutual Access,
Shelter, and As-
sistance for all
Ships of both
Parties in all
Ports.

It shall be lawful for the People or Subjects of either Party to enter the Ports of the other, there to reside, and thence to depart, with equal Liberty, not only with Merchant Ships and Trading Vessels, but also with Ships of War, Guard Ships, and Convoys, whether drove in by Storm, or come in for refitting or victualling their Ships; provided they do not exceed the number of six Ships of War, in case they come in of their own accord: nor shall they stay or continue longer in the Ports or upon the coasts, than shall be necessary, lest they should give occasion for interrupting the Commerce of other Nations in Friendship and Alliance with the other: And if at any time any unusual number of Ships should come to such Ports by any Chance, it shall not be lawful for them to enter into such Ports without a Power first granted by those to whom such Ports belong, unless they are forcibly drove in by Stress of Weather, or other urgent Necessity, for avoiding the Danger of the Sea and Shipwreck; in which case they shall immediately make known the Cause of their coming thither to the Governor, or chief Magistrate of the Place; nor shall they continue there longer than they shall be allowed by such Governor or chief Magistrate, nor commit any Hostility in those Ports, which may be detrimental to the other Party.

A R T I C L E XIX.

Ships and Goods
of one Party car-
ried into the Do-
minions of the
other, to be re-
stored.

Neither of the Confederates shall suffer the Ships or Goods of the other, or of the People of either, which shall at any time be taken by the Enemies or Rebels of the one, and carried into any Ports or Places belonging to the Dominion of the other, to be conveyed away from the Owners or Proprietors; but

but the same shall be restored to them, or their Attorneys, provided they lay Claim to such Ships and Goods before they are sold or clear'd, and either prove their Right, or exhibit Testimonies of their Property in them, within three Months after the said Ships and Goods shall have been so carried in; and in the mean time the Proprietors shall pay and discharge the necessary Expences for the Preservation and Custody of the said Ships and Goods.

A R T I C L E XXIII.

That all Goods and Merchandize of the said Confederates, or of their People or Subjects, found on board the Ships of the Enemies of either, shall be made Prize, together with the Ships, and confiscated; but all the Goods and Merchandize of the Enemies of either, put on board the Ships of either of them, or of their People or Subjects, shall remain untouched.

Goods of either Party found in Enemies Ships to be confiscated.

Free Ships make free Goods.

A R T I C L E XXVI.

It is also agreed and concluded, that no other League or Confederacy whatsoever made, or to be made by either of the Confederates, with any other Princes or Republicks whatsoever, shall derogate from the present Treaty of Peace and Alliance; but that this Peace and Confederacy shall be kept intire and always in full Force.

No Treaty with any other Prince to derogate from this Treaty.

*Articles of Peace and Commerce between
Great-Britain and Portugal; concluded at
London, the 29th of January, 1641-2.*

ARTICLE I.

Perpetual Peace
and Amity.

THERE shall be for ever a good, true and firm Peace, and Amity between the Kings of *Great-Britain and Portugal*, their Heirs and Successors, and their Kingdoms, Countries, States, Lands, People, Vassals and Subjects whatsoever, present and to come, of what Quality and Condition soever they be, as well by Sea as by Land, and fresh Waters; so that the said Vassals and Subjects shall treat one another favourably, and render to each other all manner of good Offices of true Amity and Affection; and that the said Most Renown'd Kings, their Heirs and Successors, shall not do or undertake any thing, either by themselves or by other Persons, against one another; nor against their Kingdoms, by Sea or Land; nor consent or adhere to any War, Counsel or Treaty, that may be to the prejudice of the one or the other.

ARTICLE II.

Free Passage and
Commerce.

That there be and shall be between the said Most Renown'd Kings and their Vassals, Inhabitants and Subjects on both Sides, a free Commerce, as well by Sea as by Land, and fresh Waters, in all and every of their Kingdoms, Dominions, Islands, and other Lands, Cities, Towns, Villages, Harbours, and Territories of the said Kingdoms and States, wherein Trade has been carried on from the time of the Kings of *Castile*, or has been continued to to this present; so that the Subjects and Vassals of both Kings may go, enter and sail, without any

Pass-

Passport or other general or special Licence, as well by Sea as by Land, and in fresh Waters, in the Kingdoms and Dominions aforesaid, and in the Cities, Towns, Harbours, Rivers, Roads and Territories thereof; and there carry Merchandizes, and Loads or Ladings upon Carriages and Horses, or in Ships, and sell and buy all Kind of Provisions, and furnish themselves with every thing necessary for their Subsistence or Voyages; and there repair their Ships or Carriages, whether they be their own Property, or hired or borrowed; and they may depart with the same Freedom from thence with their Goods, Merchandizes and other Effects whatsoever, upon paying only the usual Duties and Customs, on the Foot that they are established by the Ordinance of each Place; and go to their own Countries, or to any other Places whatsoever as they please, and when they think fit, without any Molestation or Impediment whatsoever.

A R T I C L E VII.

That the Captains, Masters, Officers and Mariners of the Ships of the King of *Great-Britain* shall not commence or prosecute any Suits or Actions against the said Ships, nor against any of the Subjects of the said King, within the Extent of the Kingdoms and Dominions of the King of *Portugal*, for their Wages or Salaries, on Pretence that they will make Profession of the *Romish* Religion, or that they will list themselves in the Service of the King of *Portugal*.

British Mariners not to sue for their Wages in Portugal on Pretence of Religion.

A R T I C L E X.

That the King of *Portugal*, or his Ministers, within the Extent of his Kingdoms and States, may neither detain the Ships of the Subjects of the King of *Great-Britain*, nor his Subjects themselves, without his Knowledge or Consent, for warlike Services or any other Service whatsoever; but the said Ships
and

British Ships or Men not to be forced into Portuguese Service.

and Subjects may freely depart when they please from the Ports and Dominions of the said King, without any Hindrance on the Part of the said King of *Portugal* or his Ministers: And the Goods and Merchandizes of the Subjects of the King of *Great-Britain* may not be taken for the Service of the King of *Portugal*, but only at the current and usual Price, to be paid within two Months, unless both Parties agree upon some other Time of Payment.

A R T I C L E X I .

That the Subjects of the King of *Great-Britain* may carry in their Ships, all Sorts of Goods, Commodities and Merchandizes whatsoever, Arms, Victuals, or any other Provisions, out of the Ports and Dominions of the said King, or out of any other Ports or Dominions whatsoever; provided they be not carried directly out of the Ports of *Portugal*, or the Dominions thereupon depending, to be transported into the Ports and Territories of the King of *Castile*; and that neither the King of *Portugal*, nor his Subjects, may by way of Seizure, Reprisal, or any other Method whatsoever, hinder any Ships, Goods or Persons of the Subjects of the King of *Great-Britain* from sailing safely into the Ports and Territories of the said King of *Castile*, and carrying on their Trade and Commerce there: And the Subjects of the King of *Great-Britain* and of *Portugal* shall have the same Power on the one Side and the other, if hereafter it should happen that either of the said Kings should be at War with any Ally of the other: And the Subjects of the King of *Great-Britain* may bring all Sorts of Merchandizes, or even Arms, Victuals, or any other Provisions whatsoever, and all Things of the like Nature, into the Kingdoms and States of the King of *Portugal*, and may there sell them as they think good, in open Market, or in a private Way, with-

Free Navigation
and Commerce
with the Enemy
of either Party.

out any Hindrance from the King of *Portugal* or his Ministers.

A R T I C L E X I X .

And if during the present Peace and Amity any thing should be undertaken, committed or done, contrary to the Force and Effect thereof, either by Sea or Land, or on fresh Waters, by either of the foresaid Kings, their Heirs or Successors, Vassals or Subjects; nevertheless the present Peace and Amity shall remain in its Force and Virtue, and the Contraveners and Offenders only shall be punished, and no others.

Contraveners to be punished.

A R T I C L E X X .

That the present Peace and Alliance shall in no wise derogate from the Alliances and Confederacies formerly made and contracted between the King of *Great-Britain* and other Kings, Princes and Commonwealths; but the said Confederacies and Alliances shall be firmly preserved and remain for the future in full Force and Virtue, this present Treaty of Peace notwithstanding.

Alliances with other Powers to be maintained.

Treaty of Peace and Alliance between Great-Britain and the Emperor; concluded at Vienna, March 16, 1731.

A R T I C L E I .

THAT there be and remain between his Sacred Imperial Catholick Majesty, and his Sacred Royal Majesty of *Great-Britain*, and their Heirs and Successors, a firm, sincere and inviolable Friendship, so established for the mutual Advantage of the Countries and Subjects belonging to both contracting Powers, that each of them shall be obliged

Perpetual Peace and Amity.

obliged to defend the Dominions and Subjects of the other, and to maintain the Peace, and to promote the Advantage of the other Party, as much as their own, and prevent and avert all Damages and Injuries whatsoever, according to the Tenor of former Treaties and Conventions of Peace, Friendship and Alliance; all and singular which Treaties and Conventions shall obtain their full Force and Virtue in all Points, and be renewed and confirmed by this present Treaty, excepting only those Articles, Clauses and Conditions, which it has been thought proper to derogate from by this present Treaty.

Note, It is stipulated by the 5th Article of this present Treaty, that a new Treaty of Commerce shall be made, and a new Tariff settled for the *Austrian Netherlands*, by Commissioners to be named for that Purpose, to meet at *Antwerp* within two Months, and such Treaty to be concluded within two Years from the Date thereof.

Convention between Great-Britain and the Emperor; made at London, July the 26th 1715.

A R T I C L E I.

Commerce with the *Austrian Netherlands* as before.

THE Commerce of the Subjects of his *Britannick* Majesty, with the *Austrian Netherlands*, shall remain, continue and subsist wholly on the same Foot as it does at present, without any Alteration, Innovation, Diminution, or Augmentation to be made, till the Parties interested shall agree upon a Treaty of Commerce.

Treaty

*Treaty of Navigation and Commerce between
Great-Britain and Spain; concluded at Ma-
drid, May the 13th, 1667.*

ARTICLE XX.

ALL *English* Merchants and Traders passing into the Provinces of the *Low Countries*, or the Cities and Towns thereof, for the Business of Trade, and also their Servants, Factors and Agents, shall enjoy from henceforward all Privileges, Exemptions, Immunities and Benefits, which they ever have enjoyed at any time of old, according to the Force and Tenor of Treaties heretofore made between the Kings of *England* and the Dukes of *Burgundy*, and other Governors of the *Low Countries*. Ancient Privileges of Trade confirmed.

*Treaty of Peace and Alliance between Great-
Britain and Spain; concluded at Madrid,
November the 15th, 1630.*

ARTICLE XVI.

WHAT is said concerning free Commerce granted to the Subjects of the most Serene Kings, the same is likewise to be understood, and in the same manner between the Subjects of the most Serene King of *England*, *Scotland* and *Ireland*; and the Subjects of the Provinces of *Flanders*, viz. That they shall shew all favour to, and treat each other in the most friendly manner, and with all mutual good Offices in all Places; and may on both Sides freely, safely and securely arrive at, and enter into the said Kingdoms, Dominions, Lands, Towns, Cities, Shores, Ports and Creeks whatsoever Free Passage, Intercourse and Trade.

ever, by Sea, Land, or fresh Water, without any Passport or other Licence, general or special; and may sail, import and export, buy and sell all Merchandizes in all such Places; and abide and traffick there as long as they please, and purchase Provisions and all things necessary for their victualling and Voyage, at reasonable Prices, and repair their Ships and Vessels, whether they be their own, or hired or borrowed, and freely carry on all Kind of Business, and depart from thence with the same Liberty, with all their Goods, Wares and Merchandizes whatsoever, and return into their own or any other Country at their Pleasure and Discretion, without any Lett or Molestation, paying the Duties and Customs according to the Laws of the several Places respectively.

A R T I C L E X X .

Ancient Treaties
confirmed.

As to what concerns the ancient Treaties of Intercourse and Commerce between the Kingdoms of *England, Scotland and Ireland*, and the Dukes of *Burgundy*, and Princes of the *Netherlands*, which have been interrupted during the late Ruptures, and perhaps violated in many Respects; it is provisionally agreed, that they shall continue in their former Force and Vigour, and be observed in the same manner as they were before the late War between *Philip II. King of Spain*, and *Elizabeth Queen of England*.

The

*The Treaty of Peace and Alliance between the
King of England, and Albert Archduke of
Austria, Duke of Burgundy, Brabant, &c.
concluded in the Year 1604.*

ARTICLE I.

THERE shall be from this Day forward a ^{Perpetual Peace and Amity.} good, sincere, true, firm and perfect Amity and Confederacy, and perpetual Peace, which shall be inviolably observed between the most Serene King of *England*, &c. and the most Serene Archdukes of *Austria*, Dukes of *Burgundy*, &c. and their Heirs and Successors whatsoever, and their Kingdoms, Countries, Dominions, Lands, People, Liegemen and Subjects whatsoever, present and to come, of whatsoever Condition, State or Degree, as well by Land as by Sea, and fresh Waters; so that their Vassals and Subjects shall behave in a truly friendly manner, and shew good Affection, and do all good Offices to each other.

ARTICLE XX.

And as the said King and Archduke solemnly promise never to give any warlike Assistance to the Enemies of each other, so it is likewise provided, that their Subjects or Inhabitants, of whatsoever Nation or Quality, shall not on Pretence of Trade and Commerce, or under any other Colour, assist the Enemies of either Prince in any manner; nor furnish them with Money, Provisions, Arms, Engines, Guns or Instruments fit for War, or any other warlike Furniture: So that whoever shall act contrary hereunto, shall be liable to the severest Punishments, and be proceeded against as Covenant-Breakers and seditious Persons.

Neither Side to
assist the Enemies
of the other.

The

The 18th and 22d Articles of this Treaty are the same in Substance and Effect, and almost so verbatim with the 16th and 20th Articles of the Treaty of 1630, above recited.

Treaty of League between the Emperor Charles V. Sovereign of the Netherlands, and the King of England, made in 1542.

Article I. is of the same Import with the above recited XVI. Article, of the Treaty of 1630.

ARTICLE XIII.

1542.
Treaty of Commerce of 1520 confirmed.

FOR the common Benefit of the present Peace, League and Amity, and that the Subjects of both Princes may the better carry on and cultivate a mutual Commerce; it is agreed, that as concerning all Intercourse of Merchandize and a mutual Commerce between them, the Treaty of Commerce dated the 11th of *April* 1520, shall be and remain in the same State and Force, as is stipulated by the Treaty of the 5th of *August* 1529.

Treaty of Commerce between the Emperor Charles V. and the King of England; concluded at London, April 11, 1520.

ARTICLE II.

1520.
Free Passage and Trade.

THAT all and singular the Subjects of the Kingdoms and Dominions of the said Princes, their Factors, Agent and Servants, with their Ships, Goods, Wares and Merchandize, may sail and come into all and singular the Lands, Countries, Dominions, Cities, Towns, Camps, Forts, Jurisdictions and Districts of either of the said Princes, by Lands, Sea,

Sea or fresh Waters, and abide there, and buy, sell, and barter all Kind of Merchandize with any other Merchants of any Country whatsoever, and freely and lawfully depart from thence with the same, or other Ships, Goods, Wares and Merchandizes, to any other Kingdoms, Ports or Places whatsoever, at their Discretion, and carry on all manner of Trade together, according to the Form, Force and Effect of the Treaty of Commerce dated the 24th of February, 1495, and of the following Articles during this present Provision.

Treaty of Peace and Commerce between the King of England and the Archduke of Austria, Duke of Burgundy, Brabant, &c. concluded at London the 24th of February, 1495.

THE 1st, 10th and 11th Articles contain a general Stipulation of a perpetual and universal Peace and Amity between the contracting Princes, their Dominions and Subjects, as likewise of an unlimited and reciprocal Freedom of Inter-course, Trade and Passage; by Sea and Land, for all their Subjects in their several Dominions respectively, and as to all Goods and Merchandizes; and are the same in Substance and Effect with the 16th Article of the Treaty of 1630, and the 2d Article of the Treaty of 1520, above recited.

Perpetual Peace
and free Trade.

ARTICLE XIV.

That the Fishers of both Parties (of what Condition soever they be) may freely go and sail every where by Sea, and safely fish without any Impediment, Licence or Passport; and if it shall happen that any of the Fishers of one Party, either by Ac-

Freedom of fish-
ing.

K

cident,

cident, Storm, Enemies, or otherwise, be forced to enter into any Port or District of the other Party, they shall be peaceably and amicably received, and treated there (paying all just Duties and Customs) and may freely depart and return from such Ports and Places, with their Ships and Goods, without any Hindrance or Obstruction whatsoever; provided however that such Fishers are not guilty of any Cheat or Fraud, or that they do not occasion Damage to others-

ARTICLE XV.

Pirates not to be
harboured or as-
sisted.

That no Pirates or others, making War by Sea without the Authority of their Princes, shall be received into any of the Ports or Shores of the foresaid Princes, or of either of them, whether they belong to either of the aforesaid Princes, or to any other Nation, nor shall they or any of them be assisted in any of the Kingdoms, Countries, Dominions, or Lands of the foresaid Princes, with Money, Arms, warlike Instruments, Victuals, or any other thing whatever, in any manner; nor shall they be favoured upon any Pretence whatsoever, on pain of Restitution and full Satisfaction for all Damages, Expences and Injuries done or to be done by such Pirates and violent Robbers, to be made to the foresaid Subjects, or to any one of them, as well by the Pirates themselves, if taken and able to pay, as by their Harbourers, Favourers and Assistants.

ARTICLE XXII.

Ships freely to en-
ter and moor in
any Port.

That the Seamen, Masters of Ships and Mariners, Subjects of the foresaid Princes, may freely moor and lay up their Ships, whether laden or unladen, or Ships of War, which shall enter into any Ports of either of the foresaid Princes, in the same manner as their own native Subjects may do, provided they have no ways acted or behaved as Pirates.

ARTICLE

ARTICLE XXIII.

That the Subjects of either of the foresaid Princes, whether Merchants or Seamen, Masters of Ships or Mariners, shall not bring or cause to be brought by Sea, fraudulently or under any Colour whatsoever, any Goods or Merchandizes of the Enemies of the other of the foresaid Princes; and if they do otherwise, and be called to account thereupon by the Subjects of the other Prince, then lawfully engaged in War, they shall be obliged to mak a true, plain and just Confession and Declaration, which shall be sufficient for that Time; and the said Persons so calling to account, shall make no further Inquiry into the Matter: But if the Person called to account shall afterwards appear to have made a false Answer, then the said Person called to account shall be obliged to give so much out of his own, to the Person who had called him to account, whom he had defrauded by such false Answer, as the Merchandizes of the Enemy by him thus carried and concealed shall appear to be worth.

Goods of Enemies not to be imported.

Frauds to be made good.

*Treaty of Amity, Commerce and Navigation,
between Great-Britain and Russia; con-
cluded at Petersbourg, December 2, 1734.*

ARTICLE I.

THE Peace, Friendship, and good Correspondence which happily subsist between their *Russian* and *Britannick* Majesties, shall be confirmed and established by this Treaty, so as from henceforwards there shall be between the Crown of all the *Russias* on one Side, and the Crown of *Great-Britain* on the other; as likewise between the States, Countries, Realms, Dominions and Territories which are under their Obedience, a true, firm, and perfect

Perpetual Peace and Amity.

Peace, Friendship, and good Understanding, which shall endure and be inviolably maintained for ever, as well by Sea as by Land, and on all fresh Waters; and the People, Subjects and Inhabitants on both Sides, of whatsoever Condition or Degree, shall behave with intire good Will towards each other, and give each other all possible Aid and Assistance, without doing or offering the least Wrong or Damage whatsoever.

ARTICLE II.

Free Navigation
and Commerce in
Europe.

There shall be an entire Freedom of Navigation and Commerce throughout all the Dominions of the two contracting Parties in *Europe*, where Navigation and Commerce are at this Time permitted, or shall be permitted hereafter by the contracting Parties to the Subjects of any other Nation.

ARTICLE III.

Free Ingrefs for
trading, victuall-
ing, or refitting.

The Subjects of both contracting Parties may enter at all Times into all the Ports, Places or Towns of either of the contracting Parties, with their Ships, Vessels and Carriages, laden or unladen, into which the Subjects of any other nation are permitted to enter, to trade or abide there; and the Mariners, Passengers and Vessels whether *Russian* or *English*, even though there should be any Subjects of any other strange Nation among the Crew, shall be received and treated in like manner as the most favoured Nation, and the Mariners and Passengers shall not be forced to enter into the Service of either of the contracting Parties, which may have occasion for their Service; and the Subjects of both contracting Parties may buy all Kind of Necessaries, which they shall stand in Need of, at the current Price; and repair and refit their Ships, Vessels or Carriages, and furnish themselves with all Manner of Provisions for their Subsistence and Voyage, abide and depart at their Pleasure, without Molestation

The Mariners not
to be forced into
Service.

tation or Impediment; provided they conform themselves to the Laws and Ordinances of the respective States of the said contracting Powers, where they shall so arrive or continue.

ARTICLE IV.

The Subjects of *Great-Britain* may bring by Sea or by Land, into all or any of the Dominions of *Russia*, wherein the Subjects of any other Nation are permitted to trade, all Sorts of Goods and Merchandizes, whereof the Importation and Traffick are not prohibited; and in like manner the Subjects of *Russia* may bring into all or any of the Dominions of *Great-Britain*, wherein the Subjects of any other Nation are allowed to traffick, all Sorts of Merchandizes of the Produce or Manufacture of the Dominions of *Russia*, whereof the Importation and Traffick are not prohibited; and likewise all Merchandizes of the Produce and Manufacture of *Asia*; provided that it is not actually prohibited by any Law now in Force in *Great-Britain*; and they may buy and export out of the Dominions of *Great-Britain*, all Manner of Goods and Merchandizes, which the Subjects of any other Nation may buy therein and export from thence, and particularly Gold and Silver, wrought or unwrought, excepting the Silver coined Money of *Great-Britain*.

Mutual Commerce and Traffic with all Goods, and in all Cases not prohibited.

ARTICLE IX.

It shall be permitted to the Subjects of both contracting Parties reciprocally, in all accustomed Places of Export, to load on board their own Ships, Vessels or Carriages, or any other, all Merchandizes bought by them, excepting only such as are prohibited to be exported; and freely to send or carry away the same: Provided they have paid the Duties, and such Ships, Vessels or Carriages have been cleared according to Law,

Free Export of all Goods not prohibited.

ARTICLE XI.

Free Trade for one
Party with an E-
nemy of the other,
under Restric-
tions.

The Subjects of either Party may freely pass, repass, and trade in all Countries which now are, or hereafter shall be at Enmity with the other of the said Parties, Places actually block'd up or besieged only excepted; provided they do not carry any warlike Stores or Ammunition to the Enemy; as for all other Effects, their Ships, Passengers and Goods shall be free and unmolested.

ARTICLE XII.

Warlike Ammu-
nition specified
and prohibited

Cannons, Mortars, Fire-Arms, Pistols, Bombs, Granadoes, Bullets, Balls, Fuzees, Flints, Matches, Powder, Saltpetre, Sulphur, Cuirasses, Pikes, Swords, Belts, Pouches, Cartouch-Boxes, Saddles and Bridles, in any Quantity, beyond what may be necessary for the Ship's Provision, and may properly appertain to and be judged necessary for every Man of the Ship's Crew, or for each Passenger, shall be deemed Ammunition of War; and if any such be there found, they may seize and confiscate the same according to Law: But neither the Vessels, Passengers or the rest of the Goods shall be detained for that Reason, or hindered from pursuing their Voyage.

ARTICLE XIII.

One Year allowed
to Subjects on
both Sides, in
case of a War.

In case of a Rupture between the contracting Parties (which God forbid) the Persons, Effects or Vessels of the Subjects of either Party, shall not be detained or confiscated, but there shall be the Space of one Year at least allowed them, wherein they may sell, dispose, carry off, or send away their Effects and transport their Persons.

ARTICLE XIV.

Men or Ships not
to be detained or
forced,

The Merchants, Mariners, Vessels or Effects of either Party, shall not be arrested or forced into Service

Service without their own Consent, under any Pretence whatsoever; and if any Domestick Servant or Mariner desert his Service or Vessel, he shall be delivered up: But nothing contained in this Article is to be so understood, as to tend to the Hindrance or Obstruction of the ordinary Course of Justice on either Side.

Deserters to be given up.

A R T I C L E XXVIII.

The Subjects of both Parties shall be respected and treated in their respective Dominions in like manner as the most favoured Nation, and the Subjects of *Russia* which shall come into *England* in order to learn Arts and Commerce there, shall be protected, favoured and instructed: Likewise if any *Russian* Vessels shall be met with out at Sea by any *English* Vessels, they shall in no wise be hindered or molested by them, provided they comport themselves in the *British* Seas in the accustomed manner; but on the contrary, they shall be favoured by them, and have all possible Assistance given them, and that in the very Ports or Havens belonging to the Dominions of *Great-Britain*.

Mutual good Offices.

Russians to be protected and favoured in *England*.

A R T I C L E XXIX.

Peace, Amity, and good Understanding shall continue for ever between the contracting Parties; and as it is usual to limit Treaties of Commerce for a certain Space of Time, it is agreed between the contracting Parties, that this shall continue for the Space of fifteen Years, to be computed from the Day of signing this present Treaty; and that before the Expiration of the said Term, they shall come to a further mutual Agreement for renewing and prolonging the same.

Peace and Amity for fifteen Years.

*Treaty of Peace, Amity and Commerce between
Great-Britain and Russia; concluded at
Westminster, June 16, 1623.*

ARTICLE I.

1623.
Perpetual Amity
and Alliance.

THIS Alliance shall remain sincere, firm and perfect, and be for ever inviolably observed and kept between the King of *Great-Britain* and the Emperor, and Great Duke of *Russia*, and their Heirs and Successors, Crowns, Kingdoms and People; and their Subjects and People, as well as the renowned Princes themselves, shall love like Brethren, and be as one Nation, wishing the good Honour and Reputation one of another both by Word and Deed.

ARTICLE III.

Neither Party to
assist the Enemy
of the other.

Neither of the said Princes shall aid or assist any Enemy of the other, either present or future, with Ships of War, Ammunition, Victuals, or other Materials, or Provisions for War, nor suffer any Soldiers of other Princes to pass through his Kingdoms or Dominions against the other Confederate; but on the contrary, shall endeavour to divert and defeat any Attempt or Purpose of such Enemies, and avoid and oppose all hurtful Practices against the said Confederate.

ARTICLE X.

Free Trade and
Commerce.

All such Privileges and Grants for Freedom of Trade and Commerce, as by Treaties have been given and granted to the *English* Merchants by his Majesty of *Russia* and his noble Progenitors, shall remain and stand in their full Force and Strength; and by Virtue of this Alliance, the Subjects of both Princes may freely and peaceably, without any Hindrance or Molestation, both by Land and Sea, and

within the fresh Water Rivers of each other's Countries, use all Kind of Traffick and Merchandize whatsoever; and may buy up and freely export all Manner of Jewels, Precious Stones, and all other Things fitting for the Treasury of the said Princes, with the same Freedom and Liberty, as if they were Natives; provided that this Freedom of Trade and Commerce be understood, with regard to the Subjects of *Great-Britain*, to extend to all such Merchants only, and none other, as are allowed to trade in the Dominions of *Russia* by the Licence of the King of *Great-Britain*, and according to the gracious Letters and Privileges granted to the *English* Merchants by his Majesty of all *Russia*, and by the Holy Patriarch of *Moscow* and of all *Russia*, or which shall be hereafter granted or enlarged to them: And with regard to the Subjects of *Russia*, to all such Merchants, and none other, as shall be allowed to trade into the Dominions of *Great-Britain* by the Licence of his Majesty of all *Russia*, and according to the gracious Privileges and Grants of both their renowned Majesties.

ARTICLE XVI.

The Ambassadors, Messengers, or Posts of both the said Princes, which shall be sent unto the Country of either upon any princely Affairs, shall freely pass without Lett or Interruption, together with their People, and all Goods whatsoever, according to the genuine Sense of this Treaty.

Free Passage for
Ministers and
Messengers.

ARTICLE XVII.

If either of the said Princes shall have occasion to send their Ambassadors, Messengers or Posts through the Countries and Dominions of the other, unto and from *Germany*, *Spain*, *France*, *Denmark*, *Sweathland*, and *Netherland*, or unto and from *Persia*, *Turkey*, and other Parts of the *East*, not in open Hostility with either of their Majesties; or if they

Free Passage for
Ministers and
Messengers to o-
ther Countries.

they shall happen by any Casualty, by Land or by Water, either in their going or returning, to receive any Damage in either of their Countries, they shall be suffered freely and peaceably to pass with all their Goods and People whatsoever, to such Place as their Prince's Pass shall direct them, and with meet Convoys shall be safely conducted, both by Land and Water through either of their Dominions, without the least forceable detaining or Hindrance whatsoever.

*Treaty of Alliance and Commerce between
Great-Britain and Sweden; concluded at
Whitehall, October the 21st, 1661.*

A R T I C L E I.

1661.

Perpetual Peace
and Amity.

THAT there be and continue from hencefor-
wards, a good, true, firm and perpetual Peace,
Friendship, good Will and Correspondence between
the Kings of *Great-Britain* and *Sweden*, and all and
singular their Kingdoms, Countries, Dominions,
Provinces, Lands, Islands, Colonies, Cities, Towns,
People, Citizens, and all their Subjects and Inha-
bitants whatsoever, so as both Parties shall behave
towards each other with true Amity and Affection.

A R T I C L E II.

Mutual Friend-
ship and Aid a-
gainst all Ene-
mies.

The said Confederates, and their Dominions, Sub-
jects, People and Inhabitants, shall take Care of
and promote each other's Advantage; and shall
also certify one another of any Dangers threatened,
and Conspiracies and Machinations formed by the
Enemies of either, and shall oppose and hinder
them, as far as lies in their Power: Nor shall it be
lawful for either of the Confederates, by himself,
or by any other Persons whomsoever, to negotiate
or attempt any thing to the Hurt or Disadvantage
of

of the other's Lands or Dominions whatsoever, any where, either by Land or Sea ; nor shall he by any means protect any Enemies or Rebels, to the Prejudice of the other Confederate, nor receive nor admit into his Dominions any Rebel or Traitor, who shall make any Attempt against the Estate of the other ; much less shall he afford them any Advice, Aid or Countenance, or suffer any Advice, Assistance or Favour to be given them by his Subjects, People and Inhabitants.

ARTICLE III.

The said Kings and Kingdoms shall, with all Candour and Diligence, take all possible Care, that the Impediments which have hitherto interrupted the Freedom of Navigation and Commerce, not only between both Nations, but also with other People and Nations through the Dominions, Countries, Seas and Rivers of both Confederates, be removed ; and they shall sincerely endeavour to assert, establish, defend and promote the aforesaid Freedom of Navigation and Commerce on both Sides, against all Disturbers thereof, by the Methods agreed on in this Treaty, or by such as may hereafter be agreed on ; and shall not suffer any thing to be done or committed contrary to this Treaty, either by themselves, or by their Subjects and People.

Free Navigation
and Commerce.

ARTICLE IV.

It shall be free for either of the said Confederates, and their Inhabitants and Subjects, to enter by Land or Sea into the Kingdoms, Countries, Provinces, Territories, Islands, Cities, Villages, Towns walled or unwalled, fortified or unfortified, Harbours, Dominions or Jurisdictions whatsoever of the other, freely and securely, without any Licence or safe Conduct, general or special ; and there to pass and repass, to reside therein, or to travel through the same, and in the mean time to buy Provisions
and

Free Passage and
all Privileges of
Trade.

and all Necessaries; and they shall be treated with all manner of Civility; it shall be lawful also for both the Confederates and their Subjects, Citizens and Inhabitants, to trade, traffick, and carry on Commerce in all Places where Commerce has been at any time hitherto used, and in whatsoever Goods and Merchandize they please; provided they are not contraband; and they shall have Liberty to import and export them at Discretion, the due Customs being always paid, and the Laws and Ordinances of both Kingdoms, whether relating to Merchandize, or to any other Right, always observed: Which Things being pre-supposed, the People, Subjects and Inhabitants of one Confederate shall have and hold in the Countries, Lands, Dominions and Kingdoms of the other, such full and ample Privileges, Exemptions, Liberties and Immunities, as any Foreigner whatsoever doth or shall enjoy in the said Dominions and Kingdoms on both Sides.

ARTICLE V.

Merchants, Mariners, Ships, or Goods not to be unduly arrested or detained.

Neither the Merchants, Captains of Ships, Masters, Mariners, or other Persons whatsoever, nor the Ships, Goods or Merchandize of either of the Confederates, or of his Subjects or Inhabitants, shall in any publick or private Name, by Virtue of any general or special Edict, be seized or detained by Arrests, in any of the Countries, Harbours, Roads, Shores or Dominions whatsoever of the other Confederate for the publick Use, military Expeditions, or for any other Cause, much less for the private Use of any one; nor be compelled by any manner of Violence, or be in any wise molested or injured: Provided only that such Arrests as are agreeable to Law and Equity be not prohibited, if they are made according to the ordinary Forms of Law, and not for the Sake of gratifying any one's private Will,

Will, and are indispensably necessary for the Administration of Right and Justice.

ARTICLE VI.

But if one or more Ships of either of the Confederates, whether Ships of War or private Merchant Ships, shall be drove by Storms, Pirates, Enemies, or other urgent Necessity, into the Ports, Havens, or upon any of the Coasts of the other Confederate, they shall be received courteously, and with all Civility, and enjoy friendly Protection, without being in any respect hinder'd from the means of refitting, or from purchasing whatever they want for their Provision, Repairs and Convenience, at the Market-Price: Nor shall they on any account be prohibited to depart in like manner from such Port and Haven when they please, without paying any Duties or Customs, so long as nothing be done or committed contrary to the Statutes and Ordinances of that Place, which such Ships shall so arrive and abide at.

Ships forced in to be harboured and assisted.

ARTICLE VII.

For the like Reason, if any one or more Ships, publick or private, of either of the Confederates, or of their Subjects or Inhabitants, run ashore, are cast away, or suffer Shipwreck, or any other Damage, the Sufferers shall be kindly and amicably protected, and have such Assistance in Consideration of a due Premium, that all Remains of such Wreck or other Loss may be preserved, and restored to the Owners and Proprietors; provided they, their Attorneys or Procurators, lay Claim to such Ships and Goods, within twelve Months after the Wreck happened; saving always the Laws and Customs of both Nations.

Mutual Protection and Assistance, in case of Wrecks and other Losses at Sea.

ARTICLE

ARTICLE IX.

Free Export of
Arms, and Ingress
and Egress for all
Ships.

It shall be lawful for the said Confederates, and the People and Subjects of both, to buy and export out of the respective Countries, Dominions and Kingdoms of either, all manner of Arms and military Equipage, and safely and freely to carry their Ships to any Ports, Havens and Shores of either, there to stay, and thence to depart, provided they behave modestly, peaceably, and agreeably to the Laws and Customs of each Place, and do not in any respect hinder the Freedom of Commerce : In like manner, Ships of War and Guardships shall have free Access to the Ports, Havens or Rivers of the other Confederate ; and it shall be free for them to cast Anchor, and abide there, and to depart from thence without any Injury or Molestation, provided the following Conditions are observed.

Ships of War to
enter into Ports
on Conditions.

Not to exceed
five or six Ships.

N^o. I. That the Squadron shall not exceed the Number of five or six Ships, which shall be allowed to come into the Port of the other Confederate without any previous Notice.

To exhibit Let-
ters of safe Con-
duct.

N^o. II. That the Commander of such Squadron and Ships shall, without Delay, exhibit his Letters of safe Conduct to the Governor or Magistrate of the Castle, Fort, City or Province, where he shall so arrive, and give Notice of the Reasons of his coming, and for what End, and how long he designs to stay in that Port or Haven.

Not to come too
near the Forts.

N^o. III. That such Ships shall not approach or abide nearer to the Forts or Castles than is convenient.

N^o. IV. That

N^o. IV. That the Mariners, Ships Companies and Soldiers, shall not go ashore in Bodies above forty at a Time, nor in any Number that may give Suspicion.

Not more than
forty to go ashore
together.

N^o. V That while they are there, they shall not do any Damage to any Person, not even to their Enemies; and above all, shall not stop or obstruct the Passage of any Merchant Ship whatsoever, into or out of the Harbour.

Not to do any
Hurt or Hin-
drance to any.

N^o. VI. That they shall not go out from thence like as out of their own Harbour, and return again, in order to annoy the Navigation of any Nation whatsoever.

Not to go in and
out, as in their
own Ports.

N^o. VII. That they shall in all respects, live and behave modestly, and conformably to the Laws and Customs of each Place, and have special regard to the reciprocal Friendship between the Confederates: But if either of the Confederates shall think it advantageous or necessary to enter the Ports of the other Confederate with a greater Number of Ships, and to enjoy the Conveniencies thereof, he shall signify the same to his Confederate two Months before hand; during which time they shall agree upon proper Regulations for admitting the same; but if the Ships of either are drove into the Ports of the other, for avoiding Tempests or Enemies; in such case, the Reason of their coming shall be notified to the Governor or chief Magistrate of the Place, and their Abode there must not be longer than the time allowed by the Governor or chief Magistrate; a Regard being always had to the Laws and Conditions in this Article before comprized.

A greater Num-
ber of Ships not
to come in with-
out special Leave.

ARTICLE

ARTICLE X.

Free Passage and
Commerce.

It shall be lawful for any of the Subjects and Inhabitants of *Sweden* to travel in *England*, and all the Dominions thereof, and to pass through the same by Land or Sea at Pleasure, to any other Nations whatsoever, and to renew Commerce with them, and freely to traffick in all Kinds of Merchandize, and the same to carry thither and export from thence: And the Subjects of the King of *Great-Britain* shall enjoy the same Liberties in the Kingdoms, Dominions, and Territories of the King of *Sweden*; on Condition that the Laws, Ordinances and peculiar Rights of each Nation, relating to Commerce and Merchandize, be observed on both Sides.

ARTICLE XI.

Free Trade for
one Party with an
Enemy of the o-
ther; contraband
Goods excepted.

Although the foregoing Articles of this Treaty, and the Laws of Friendship do forbid, that either of the Confederates shall furnish any Aid or Supplies to the Enemies of the other; yet it is by no means to be understood that either Confederate, with his Subjects and Inhabitants, who is not a Party in a War, shall be restrained the Liberty of Trade and Navigation with the Enemies of the other Confederate, who is involved in such War; Provided only, that no Goods called Contraband, and especially Money, Provisions, Arms, Bombs with their Fuzees, and other Appurtenances, Fire-Balls, Gunpowder, Matches, Cannon Ball, Spears, Swords, Lances, Pikes, Halberts, Guns, Mortars, Petards, Grenadoes, Musket rests, Baneliers, Saltpetre, Muskets, Musket Bullets, Helmets, Head-Pieces, Breast-Plates, Coats of Mails, commonly called Cuirasses, and the like Kind of Arms; Soldiers, Horses with the Furniture, nor Pistols, Belts, or any other Instruments of War; nor Ships of War and Guardships, be carried to the Enemies of the

other Confederate, on the Penalty of being made Prize without Hopes of Redemption; if they are seized by the other Confederate; nor shall either Confederate permit that the Rebels or Enemies of the other be assisted by any of his Subjects, or that any Ships be sold or lent to, or in any manner made use of by the Enemies or Rebels of the other to his Disadvantage or Detriment: But it shall be lawful for either of the Confederates, and his People or Subjects, to trade with the Enemies of the other, and to carry them any Merchandize whatsoever, not above excepted, without any Impediment; provided they are not carried to those Ports or Places which are besieged by the other; in which Case they shall have free Leave either to sell their Goods to the Besiegers, or to repair with them to any other Port which is not besieged.

ARTICLE XII.

But lest such Freedom of Navigation and Passage of the one Confederate might be of Detriment to the other, while engaged in War, by Sea or Land, with other Nations; by concealing and conveying the Goods and Merchandizes of the Enemies of the Confederate so engaged in War, under the Name of a Friend and Ally; for the avoiding of all Suspicion and Fraud of such Sort, it is agreed, that all Ships, Carriages, Wares and Men belonging to the other Confederate, shall be furnished in their Journeys and Voyages with safe Conducts, commonly called Passports and Certificates, such as are underwritten verbatim, signed and subscribed by the chief Magistrate of that Province and City, or by the chief Commissioners of the Customs and Duties, and specifying the true Names of the Ships, Carriages, Goods, and Masters of the Vessels, as also the exact Dates, without any Fraud or Collusion, together with such other Descriptions of that Sort, as are expressed in

Either Party carrying on Trade with an Enemy to have Passports and Certificates.

the following Form of a safe Conduct and Certificate. Wherefore, if any Person shall affirm upon the Oath, by which he is bound to his King, State or City, that he has given in true Accounts, and be afterwards convicted, on sufficient Proof of any wilful Fraud therein, he shall be severely punished, and incur the Penalties of Perjury.

English Form of the Passport.

WE N. N. Governor or chief Magistrate, or the Commissioners of the Duties and Customs of the City or Province of N. (the Title or Office of the respective Government of that Place being added) do make known and certify, that on the of the Month of in the Year of N. N. N. Citizens and Inhabitants of N. and Subjects of his Sacred Royal Majesty of *Sweden*, personally appeared before us in the City or Town of N. in the Dominions of his Sacred Royal Majesty of *Sweden*, and declared to us, upon the Oath, by which they are bound to our Most Gracious Sovereign, his Sacred Royal Majesty of *Sweden*, and to our City, that the Ship or Vessel called N. of about Lasts or Tons, belongs to the Port, City or Town of N. in the Dominions of N. and that the said Ship does rightfully belong to him or other Subjects of his Sacred Royal Majesty of *Sweden*; that she is bound directly from the Port of N. to the Port of N. laden with the following Merchandize, *viz.* [here shall be specified the Goods, with their Quantity and Quality, for Example, about so many Chests or Bales, about so many Hogsheads, &c. according to the Quantity and Condition of the Goods] and likewise affirmed on the Oath aforesaid, that so much only of the said Goods and Merchandize belong to the Subjects of his Sacred Royal Majesty of *Sweden*, or so much of such Goods belong to N. N. N. [specifying what Nation the Proprietors are of] and that they declared

clared upon their said Oath, that the said Goods above specified and no others, are put on board, or are to be put on board the above named Ship for the said Voyage, and that no Part of those Goods belong to any other Person whatsoever but those above mentioned, and that no Goods are disguised or concealed therein under any fictitious Name whatsoever, but that the Wares above mentioned are truly and really put on board for the Use of the said Owners, and no others; and that the Captain of the said Ship named *N.* is a Citizen of the City of *N.* Therefore, since it fully appears to us [the Governor or chief Magistrate, or Commissioners of the Duties and Customs of the City aforesaid] after strict Examination, that the said Ship or Vessel and the Goods on board the same are free, and do truly and really belong to the Subjects of his Sacred Royal Majesty of *Sweden*, or to the Inhabitants of other Nations as aforesaid, we do most humbly and earnestly require of all and singular Powers by Land and Sea, Kings, Princes, Republicks, and free Cities; also of all Generals, Admirals, Commanders, Officers and Governors of Ports, and all others guarding any Harbour or Sea, which may happen to meet this Ship in her Voyage, or if she chance to fall in among or pass through their Squadrons, or to stay in their Harbours, that, for the Sake of the Alliance and Friendship which subsist respectively between them, or their Superiors and his Sacred Royal Majesty our Most Gracious Sovereign the King of *Sweden*, they will not only permit the said Captain with the said Ship *N.* and the Men, Goods and Merchandizes belonging to the same to prosecute his Voyage freely, without Lett or Molestation, but also if he think fit to depart out of the said Harbour elsewhere, that they will shew all kind Offices to him and his Ship, as a Subject of his Sacred Royal Majesty of *Sweden*, as they shall

in like manner experience the same from his Sacred Royal Majesty of *Sweden*, and from all his Ministers and Subjects in the like or any other Case. In Witness whereof we have taken care that the said Presents signed by our own Hands be sealed with the Seal of our City. Given, &c.

Therefore when the Goods, Ships, or Men of either Confederate, or his Subjects and Inhabitants, shall meet in the open Sea, or in any Ports, Havens, Countries or Places whatsoever, with any Ships of War or Privateers, or any Subjects and Inhabitants of the other Confederate, after producing their Letters of safe Conduct and Certificates aforesaid, nothing farther shall be demanded of them, nor any Inquiry whatsoever made with respect to the Goods, Ships or Men, much less shall they be injured, damaged or molested, but they shall be suffered freely to prosecute their Voyage and Purpose. But in case that the said solemn and stated Form of a Certificate be not produced, or there be any other just and strong Cause of Suspicion, why a Ship ought to be searched, which shall only be deemed justifiable in such Case, and not otherwise; if the Goods of an Enemy are then found in such Ship of the Confederate, that Part only which belongs to the Enemy shall be made Prize, and what belongs to the Confederate shall be immediately restored: The same Rule shall likewise be observed, if the Goods of the other Confederate are found on board a Ship of an Enemy: If any thing be done by either Party contrary to the genuine Sense of this Article, both Confederates shall take Care, that the severest Punishments, due for the most heinous Crimes, be inflicted on such of their Subjects and Inhabitants as shall offend herein, for their Contempt and Transgression of the Royal Commands, and that full and immediate Satisfaction be made to the injured Party for all Damage and Expences

All Ships to pass free on producing such Passport.

Not to be searched, unless wanting Passports or on just Suspicion.

Enemies Goods only to be confiscated, wherever found.

pences (of which the most summary Proof shall be admitted) by the other Confederate, or his Subjects and Inhabitants, without any intricate Niceties of the Law.

ARTICLE XIII.

Neither of the Confederates shall suffer the Ships, Vessels, Goods or Merchandize of the other, or of his People and Subjects taken at Sea or elsewhere by Enemies or Rebels to be brought into his Ports or Dominions, but shall publickly forbid any thing of that Kind to be done; and if any Ships, Vessels, Goods or Merchandize of either, or of his People or Subjects, taken at Sea, or elsewhere, shall be carried into the Ports or Countries of the other by any Enemy or Rebel of the Confederates, or of either of them, such Confederate shall not suffer the same, or any Part thereof to be sold in that Port, or any other Place in his Dominion; but shall take care that the Master of the Ship or Vessel so taken, as also the Mariners and Passengers, shall, as soon as they arrive, be immediately set at Liberty; together with as many of the Prisoners, being Subjects of either Kingdom, as shall be brought thither; nor shall he permit the said Ship or Vessel to stay in that Harbour, but shall oblige her, with her Goods, Merchandize and Lading, immediately to leave the Port; provided nevertheless, that nothing in this Article be prejudicial to the Alliances formerly entered into by either of the Confederates with other Nations; but when they do not interfere, the above Article shall remain in full force.

Neither Party to harbour the Enemies of the other, or their Captures,

except in Alliance with either of the Confederates.

ARTICLE XIV.

If it shall happen hereafter, while this Friendship and Alliance subsists, that any of the People and Subjects of either of the Confederates shall do, or endeavour any thing contrary to this Treaty, or

This Peace not to be dissolved by private Injuries.

any Part thereof, by Land, Sea, or in any Waters, this Friendship, Treaty and Alliance between the said Confederates, shall not on that Account be interrupted or dissolved, but shall nevertheless continue and remain entire; and those particular Persons only shall suffer Punishment, who shall violate this Treaty; and they who shall receive any Injury, shall have Right and Justice done, and Satisfaction made to them for all their Loss and Injury sustained within twelve Months after the Demand of such Restitution: But in case such Delinquents and Persons guilty of such Violence, shall refuse to appear and submit to Justice, or to make Satisfaction within the Term aforesaid, whoever they are, they shall be renounced as Enemies of both States, and their Substance, Goods and Possessions, what and how great soever, shall be confiscated and sold towards making full and just Satisfaction for the Injuries by them committed; and the Offenders themselves, when they come into the Jurisdiction of either State, shall moreover suffer condign Punishment according to the Nature of the Crime.

Restitution to be made to Subjects for all Losses; and Offenders to be punished.

ARTICLE XV.

All former Rights at Sea saved to both Parties.

The present Treaty and Confederacy shall derogate nothing from any Pre-eminence, Right and Dominion whatsoever of either of the Confederates, in any of their Seas, Streights and Waters whatsoever, but they shall have and hold the same, in as ample Manner as they have hitherto enjoyed them, and as to them of Right appertains.

ARTICLE XVI.

Freedom of Navigation and Commerce to be mutually supported in all Places.

Whereas it is the principal End of this Treaty, that such a Freedom of Navigation and Commerce, as is stipulated by the foregoing Articles, may be and remain on both Sides, to both the Confederates, their Subjects and Inhabitants, in the *Baltick, the Sound, the Northern, Western, British* and

and *Mediterranean Seas*, and the *Channel*, and all the other Seas of *Europe*; it is agreed, that both Sides shall sincerely contribute their joint Advice, Aid and Assistance, that the said mutual Freedom of Navigation and Commerce may be established and promoted in all the said Seas and Streights and (if there be occasion) that it be defended against all Disturbers who shall offer to interrupt, prohibit, hinder or constrain it for their own Pleasure, and to the Detriment of the Confederates: And both Confederates shall in the most courteous Manner shew their good Will and Readiness for promoting the Advantage, and removing any Inconveniencies of the other Confederate: Saving nevertheless those Treaties heretofore entered into by both Nations, with other Kingdoms, Republicks and States, which shall subsist in full force; but hereafter, neither of the Confederates shall by any means enter into any Treaty, or make any Compact with other foreign Nations or People whatsoever, to the Prejudice of the present Treaty in any respect, without the previous Knowledge and Consent of the other Confederate; and if any thing be otherwise stipulated hereafter with any other, it shall be reckoned null and void, and shall entirely give Place to what is mutually agreed to by this present Treaty.

No Treaty to be made with any foreign Nation without the previous Consent of the other Confederate.

*Treaty between Great-Britain and Sweden;
concluded at London in the Year 1656,
whereby the Treaty of Upsal of 1654, is
confirmed and explained.*

THE 2d, 3d, 4th, 5th, and 6th Articles of this Treaty are comprehended in the 9th, 11th, 12th, and 13th Articles of the above recited Treaty of 1661. 1656.

ARTICLE X.

Swedes to have Liberty of fishing on the British Coasts.

It shall be free for the Subjects of the King of Sweden to fish and catch Herrings and other Fish throughout the Seas and Coasts belonging to the Dominion of *Great-Britain*, so as they do not exceed the Number of one thousand Vessels employed in such Fishery; nor shall they be any ways hindred or disturbed in such their fishing; nor shall any Charges or Duties be exacted from them on Presence or Account of such their fishing, by any publick Guard Ships of *Great-Britain*, or their Privateers acting under Commissions or Letters of Marque, or by any fishing Vessels on the Northern Coasts of *Britain*; but on the contrary, they shall be treated in the most courteous and friendly Manner, and even be permitted to dry their Nets on the Shores, and to furnish themselves with all necessary Provisions at reasonable Rates from the Inhabitants,

Treaty of Peace between Great-Britain and Sweden; concluded at Upsal, April the 5th, 1654.

1654.

THE 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th, 11th, 12th, 13th, 14th, and 15th Articles of this Treaty, are comprehended in, and are almost verbatim the same with the following Articles of the above recited Treaty of 1661, viz. 1st, 2d, 3d, 4th, 5th, 6th, 7th, 9th, 10th, 11th, 12th, 14th, 15th, and 16th Articles.

Articles

Articles and Clauses of several Treaties made between Great-Britain and Sweden, concerning the Continuance, Revival, or Confirmation of former Treaties.

Treaty of Alliance between Great-Britain and Sweden; concluded at Stockholm, January 21, 1720.

THIS Treaty refers to two former Treaties made between the said two Crowns in the Years 1700, and 1665, as its Basis and Foundation, and confirms the said two Treaties, and amongst others, contains the following Stipulations.

1720.

ARTICLE I.

For a mutual Friendship and good Correspondence in all their Dominions by Sea and Land.

ARTICLE XII.

For a reciprocal and unlimited Freedom of Navigation and Commerce in *Europe*.

ARTICLE XIV.

For a reciprocal Restraint as to harbouring the Ships of an Enemy of the other, or assisting or supplying such Enemy in any Respect.

ARTICLE XV.

For a Salvo to the special Regalities, Rights and Dominion of the Crown of *Sweden* in the *Baltick*, and of the Crown of *Great-Britain* in the *British Seas*.

A Salvo to each to be allowed,

ARTICLE

A R T I C L E XVIII.

Freedom of Trade
with an Enemy
allowed.

For a Freedom of Trade to either Party with an Enemy of the other Ally, but with an Exception as to Contraband Goods.

This Treaty expired, and

But by the 20th Article, this Treaty is to continue in force for the Term of eighteen Years only, so that unless it has been continued or revived by a subsequent Treaty, this Treaty of 1720, is at present expired and determined.

Treaty of Alliance between Great-Britain and Sweden; concluded at the Hague, January 13, 1700.

this also.

THIS Treaty confirms all former Treaties and Alliances between the two Crowns for their several Terms of Duration; but by the 18th Article it was to have Continuance only for eighteen Years, so that it is now expired with that of 1720.

Treaty of Alliance and Commerce between Great-Britain and Sweden; concluded at Westminster, Sept. 30, 1674.

THIS Treaty refers to a Treaty of Alliance and Commerce made between the two Crowns on the 1st of *March*, 1664-5, to continue in force for ten Years, with an Article therein for the further Continuance and Prolongation of the same by a subsequent Treaty, if the contracting Powers should think fit; wherefore the said Treaty of 1664-5, is by this Treaty continued for the further Term

Term of two Years, from and after the Expiration of the first Term of ten Years : but it does not appear that the said Treaty has been further continued or revived by any subsequent Treaty, until it was confirmed by the Treaty of 1720, which last being made for eighteen Years only, and the said Term since expired, both Treaties must be determined together.

There is another Treaty set forth in the Books, entitled,

A Treaty of Commerce between Great-Britain and Sweden; made at Stockholm, February 16, 1666.

BUT this appears to be no more than an Extract made *ex Parte* by Charles II. King of Sweden, of several Marine Articles out of the two Treaties of 1664-5, and 1667, between him and Great-Britain, together with his Edict for the due Observance of the same by his own Subjects.

Provisional Treaty of Navigation and Commerce between Great-Britain and Denmark; concluded at Copenhagen, June 20, 1691.

ARTICLE VI.

IF any Danish Vessels shall happen to meet with any English Ships of War or Privateers, either upon the Coast or in the open Sea, in such Case the 20th Article of the Marine Treaty concluded at Nimeguen in 1679, between the Crown of Sweden and the States General shall be observed between them, and they shall regulate themselves in all Points agreeably thereto.

The

The 20th Article of the Marine Treaty of 1679, between Sweden and the States General, referred to in the above recited Treaty of 1691.

Ships of War only to send their Boat on board Merchant Ships to inspect their Passports and Certificates,

If any *Swedish* Ships shall, either upon the Coasts or in the open Sea, meet with any Ships of War or Privateers belonging to the States General, or their Subjects; in such Case the said Ships of War shall, for the avoiding of all Inconvenience, keep without Canon Shot, and send their Boat to such Ship belonging to *Swedish* Subjects and Inhabitants, and board her with two or three Men only, to whom the Master or Owner of such *Swedish* Ship shall shew his Passport, as likewise his Sea Letters, the one to certify concerning the Lading, and the other of the Place of Habitation in the *Swedish* Dominions; as likewise the Name of the Master or Owner, and also of the Ship, whereby it may be known whether there be any Contraband Goods on board, and the Quality of the Ship and of the Master or Owner may sufficiently appear: To which Passports and Sea Letters entire Faith and Credit shall be given.

Treaty of Alliance and Commerce between Great-Britain and Denmark; concluded at Westminster, November 29, 1669.

A R T I C L E I.

Perpetual Peace and Amity in all Places,

THERE shall be from hence forward a true, sincere and perfect Amity, Peace and Alliance between both the most Serene Kings, their Heirs and Successors, and likewise between their Kingdoms, States, Provinces, Dominions, Countries, Islands, Cities, Subjects, Vassals, of whatsoever Condition, Dignity or Degree, by Land and by

by Sea, in Rivers and fresh Waters, and in all Places as well within *Europe* as without, so that the one shall no ways hurt, injure or incommode the Kingdoms, Countries, Provinces and Dominions, People or Subjects of the other, nor as far as in them lies suffer them to be injured by any other; but they shall rather shew true Friendship and Affection towards each other, and upon all Occasions promote the Welfare and Utility of each other, and of their Subjects mutually, as they would their own, and to the utmost of their Power, by Deed and by Counsel, prevent and avert all Injuries and Wrongs whatever.

ARTICLE V.

It shall be free for the Subjects of both Kings to go to the Kingdoms, Provinces, Marts, Ports and Rivers of the other, with their Merchandizes, by Land and by Sea, in Time of Peace, without any Licence or Passport, general or special, and there to abide, and traffick, so as they pay the usual Customs: Saving always the Sovereignty and Right of both Kings in their own Kingdoms, Provinces, Countries and Territories respectively.

Free Intercourse
and Commerce.

This Stipulation for a general Liberty of Navigation and Commerce is restrained by an Exception in the next Article, as to such *Danish* Ports as had been prohibited by former Treaties for *English* Subjects to enter into or trade in; and as to the *British* Colonies, which are prohibited to the *Danish* Subjects, without special Licence from the Sovereigns of such Ports and Colonies respectively.

Exceptions to the
above Article.

ARTICLE X.

The Subjects of both Crowns, carrying on their Trade by Sea, and sailing near the Coasts of either Kingdom, shall not be obliged to enter into any Port whatsoever out of their direct Course, but shall be at Liberty to pursue their intended Voyage,

Trading Ships
not to be forced
out of their
Course, or to un-
load their Cargo.

without being any ways hindered or detained; and when forced into Port by Stress of Weather, and there lying at Anchor, they shall not be compelled to unliver, barter or sell their Goods, but it shall be lawful for them to dispose of the same at their Pleasure, and do whatever else they shall judge most conducive to their Affairs; provided nothing be done whereby either Prince may be defrauded or prejudiced in his Rights and Customs.

ARTICLE XVI.

Either Party may trade with an Enemy of the other in all Goods except Contraband.

It shall be lawful for either Confederate, his People or Subjects, to carry on Trade with the Enemies of the other, and to carry and supply them with all Manner of Goods (Contraband Goods only excepted) without any Molestation, unless it be in Ports and Places actually besieged by the other Ally; in which Case they shall be at Liberty either to dispose of their Goods to the Besiegers, or to convey them to some other Port or Place which is not besieged.

ARTICLE XX.

All Ships to carry Passports and Certificates, during a War with either Confederate.

But least this Liberty of Navigation and Passage for one Ally, his Subjects and Inhabitants, might, during a War, which the other may be engaged in by Sea or by Land with any other State, be of Prejudice to such other Ally; and the Goods and Merchandize belonging to the Enemy be fraudulently concealed under the colourable Pretence of their being in Amity together; wherefore, in order to prevent all Frauds of that Sort, and to remove all Suspicion, it is thought proper, that the Ships, Merchandizes and Ships Crew belonging to the other Ally, be furnished upon their Voyages with Passports and Certificates according to the Form and Tenor following, viz.

Form of the Danish Passport and Certificate.

*Christian the Fifth, by the Grace of God,
King of Denmark and Norway, &c.*

BE it known to all and singular Persons who shall see these our Letters of Passport, that our Subject and Citizen of our City of _____ hath humbly represented to us, that the Ship called the _____ of the Port of _____ of the Burthen of _____ Tons, doth appertain to him, and certain other of our Subjects, and that they are the sole Proprietors of the same, and that the said Ship is laden with certain Goods, a Particular whereof is contained in a Cocket, which has been made out by the Officers of our Customs, and is now on board the said Ship; and that the same belongs to our Subjects, or others having an Interest therein, who are the Subjects of neutral Powers; and that she is ready to depart from the Port of _____ in order to proceed to some other Place, or Places, where she may commodiously traffick with the said Goods, which are not Contraband, nor appertaining to either of the Parties now engaged in War; or in order fairly to earn her Freight; all which having been attested by our said Subject, by a Writing duly signed by him, and affirmed by Virtue of his Oath to be true, upon Pain of Confiscation of the said Goods, we have thought proper to grant him these our Letters of Passport; and therefore we desire and request all Governors of Countries, and Commanders at Sea, all Kings, Princes, States, and free Towns, and particularly the Parties now engaged in War, and their Commanders, Admirals, Generals, Officers, Governors of Ports, Commanders of Ships, Captains, Owners, and all others having any Command at Sea, or the Guard of any Port, whom the said Ship shall happen to meet with, or to fall in with any of their Fleets or Ships at Sea, or to arrive at any of their Ports; that

that in Virtue of the Alliance and Amity which subsist between us and the King or State, they not only suffer the said Master with the Ship Men, Goods, and all Merchandizes which are on board her, to pursue his Voyage towards any Place whatsoever with full Liberty, without being any ways molested, hindred or detained, but that they likewise shew him all kind Offices of Civility, as unto our Subject, if any Occasion should offer; which we and our Subjects shall be ready to acknowledge on the like or any other Occasion. Given this Day of in the Year

We the President, Consuls, and Senators of the Town of do attest and certify, that N. N. Citizen and Inhabitant of the City or Town of on the Day of in the Year came and appeared personally before us, and declared to us by Virtue of the Oath, by which he is bound to our Sovereign Lord the King, that the Ship or Vessel named of the Port of of the Burthen of Tons, belongs to the Port, City or Town of in the Province of and that the said Ship does really and truly appertain to him, and is now ready to depart directly from the Port of laden with the Goods specified in the Cocket which he hath received from the Officers of the Customs, and that he hath affirmed upon his said Oath, that the above mentioned Ship, together with the Goods and Merchandizes with which she is laden, belongs to his said Majesty's Subjects only, and that she does not carry any Prohibited Goods appertaining to either of the Parties now engaged in War.

In Witness whereof, we have caused the present Certificate to be signed by the Syndick of our Town, and have thereunto put our Seal. Given, &c.

The

The original Passport should be in *Latin*, as the Treaty was made originally in that Language; but the Form of the Passport is no where published with the *Latin* Treaty.

Whenever therefore any Merchandizes, Goods, Ships and Men of either Confederate, his Subjects or Inhabitants shall be met with in the open Sea, Streights, Ports, Roads, Lands, or in any Places whatsoever, by any publick Ships of War or Privateers, or by the Men, Subjects or Inhabitants of the other Confederate, upon exhibiting the said Letters of Passport only, nothing further shall be required of them, nor shall any further Search or Inquiry be made in relation to the Goods, Ships or Men; much less shall they be any ways injured or molested, but they shall be most freely dismissed, in order to pursue their intended Course and Voyage: But in case this solemn and stated Form of the Passport and Certificate be not exhibited, or there appear other just and strong Cause of Suspicion, then such Ship ought to be visited; which however is to be understood to be allowed of in such Case only and not otherwise: If any thing shall be done by either Party against the other Confederate, contrary to the true and genuine Sense of this Article, both Confederates shall take care that their Subjects and Inhabitants respectively, who shall transgress therein, be severely punished, and that ample and immediate Satisfaction be made to the other Confederate, his Subjects and Inhabitants, for all Losses, Injuries and Charges so sustained or incurred.

All Ships to be dismissed on exhibiting their Passports, unless upon strong Suspicion.

ARTICLE XXII.

No Vessels or Ships, nor any Goods or Merchandize whatever, which shall be laden on board any Ships of any Sort, Kind or Quality whatsoever,

No Ship or Goods of either to be made Prize, but upon legal Proceeding.

M

how-

howsoever taken, and belonging to any Subjects of either King, shall be adjudged as Prize under any Colour or Pretence whatsoever, but upon judicial Examination and legal Proceeding in due Form of Law, in a Court of Admiralty lawfully constituted for that Purpose, in order to judge of such Maritime Captures.

A R T I C L E XXIII.

Ships or Goods not to be arrested or detained unless for publick Defence or by legal Arrest.

Captains of Ships or their Pilots, Soldiers or Mariners belonging to them, or the Ships themselves and the Goods and Merchandizes with which they shall be laden, may not be detained by any Seizure or Arrest by Virtue of any general or special Order of any Person, or for any Cause, unless it be for the Defence and Preservation of the Kingdoms; but this shall not be understood to intend such legal Arrests as shall be made by the Authority of the Laws by reason of any Contract with any other, or for other just Cause, in which Cases it shall be free to proceed in all Things according to the due Course of Law and Justice.

A R T I C L E XXVIII.

Ships of War of one Party to protect all Ships of the other.

Any Guard Ships, or Ships of War of either Party, which shall happen to meet or come up with any Merchant Ships, or other Ships whatsoever belonging to the other Confederate or his Subjects, either within *Europe* or without, holding the same Course, shall be obliged to guard and protect them as long as they shall continue to hold the same Course.

A R T I C L E XXIX.

Pirates not to be harboured or assisted.

For the greater Security of Commerce and Freedom of Navigation, it is agreed and concluded, that neither Party, as far as may be and in them lies, shall suffer any publick Pirates, or such like Robbers, to harbour in any of their Ports, or to be sheltered

sheltered or supplied with Provisions by any of their Subjects or Inhabitants, or assisted in any way; but on the contrary, they shall use their Endeavours, that all such Pirates and Robbers, and their Accomplices and Abettors, be apprehended and brought to condign Judgment, and that all Ships and Merchandizes, as much as can be found of them, be restored to the true and legal Owners or their Attorneys, provided their Right in them be made out by due and legal Proofs in the Court of Admiralty for Maritime Causes.

*Ships and Goods
piratically taken
to be restored.*

ARTICLE XXX.

The Subjects and People of both Parties shall always have free Access to the Ports and Coasts of the other Confederate, and it shall be lawful for them to abide there, and to depart from thence, and to pass through all the Seas and Territories of both Kings respectively (so as they do no Injury or Damage) not only with Merchant Ships and Vessels of Burthen, but likewise with Ships of War, whether they be publick Ships, or Privateers acting under Special Commissions; and whether they be drove in by Strefs of Weather, or for avoiding the Danger of the Sea, or to repair their Ships, or buy Provisions; provided they do not exceed the Number of six Ships of War when they come in voluntarily, nor stay in or near such Ports any longer than shall be needful for repairing their Ships, or buying Provisions and other Necessaries: And if upon Occasion they should be desirous of entering into such Ports with any greater Number of Ships of War, it shall not be lawful for them so to do, without timely Notice of their Arrival being first given by Letter, and previous Leave obtained from those to whom such Ports shall appertain; but if they shall be compelled by Storm or other urgent Necessity to put into any Harbour, in such Case, notwithstanding the Want of such previous Notice, the Ships shall

All Ships of either Party forced in, to be harboured and assisted,

Number of Ships of War coming in voluntarily, limited,

except previous Notice and Leave for more.

Their Time of
stay limited.

shall not be limited to any certain Number, on Condition nevertheless that the Commander of such Ships do immediately upon their Arrival, certify to the chief Magistrate or Governor of that Place, Port or Coast where they shall happen to arrive, the Cause of his Arrival; and they must not continue there any longer than the Time allowed by such chief Magistrate or Governor, nor do or attempt any Act of Hostility in such Ports, nor any thing prejudicial to the Confederate to whom such Ports belong.

ARTICLE XXXI.

Subjects of either
Party not to accept or act under
any Commissions
against the other.

It shall not be lawful for the Subjects of the said Kings, or the Inhabitants of the Kingdoms and Countries under their Obedience, to procure any Commissions or Letters of Reprizals from any Prince or State, with whom either Confederate shall be at Variance or open War: much less shall they any ways injure or molest the Subjects of either by Virtue of such Letters; and both the said Kings shall strictly enjoin their own Subjects respectively, that they do not procure or accept of any such Commissions from any Princes or States whatsoever, but shall, as much as in them lies, absolutely prohibit and prevent any Depredations to be committed by Virtue of such Commission.

ARTICLE XXXII.

Ships of either
Party taken in
any Port of the
other, to be pursued
and restored.

If any Ship or Ships belonging to the Subjects of either Kingdom be taken in the Ports of either by any third Party, they in whose Port or Dominion whatsoever such Ships shall be taken, shall be obliged to use their utmost Endeavours in Conjunction with the other Party, to pursue and recover such Ship or Ships, and to restore them to the proper Owners; which however must be done at the proper Costs and Charges of such Owners, or of those who have an Interest therein.

ARTICLE

ARTICLE XXXIII.

In case there shall be found in any Ships taken by the Subjects of either Confederate, and brought into any Port belonging to the other, any Mariners or other Persons being Subjects of that Confederate into whose Port or Rivers such Prize shall be brought, they shall be civilly treated by the Captors, and immediately set at Liberty without any Ransom.

Subjects of either taken in a Prize and brought into their own Port, to be set at Liberty.

ARTICLE XXXIV.

If any Ship of War of either Crown shall happen to take a Ship belonging to the other, laden with Prohibited Goods, it shall not be lawful for the Commander of such Captor to open or break up any Chests, Casks or Packs found therein, nor to remove or any ways alienate any of the Goods, until they are first brought on Shore, and an Inventory be made of them in the Presence of the Judges of Maritime Causes.

Prohibited Goods on board Ships of either Party, not to be meddled with, till brought on Shore and duly inventoried.

ARTICLE XXXV.

For the greater Security of the Subjects of both Kings, and that the greater Care may be taken that no Violence be done or offered to any of them by the said Ships of War, his *Britannick* Majesty's Captains of his Ships of War, and all other his Subjects, shall be strictly ordered and enjoined that they no ways injure or molest his *Danish* Majesty's Subjects; and if they transgress herein, their Persons and all their Goods shall be bounden and liable, until just and ample Satisfaction and Compensation be made for all Damage so done by them, and for all Advantages which may have arisen or shall arise to them therefrom: In like manner, all Commanders of Ships of War belonging to his *Danish* Majesty, and all other his Subjects whatsoever, shall be strictly enjoined under the like Penalties, not to

Subjects of both Parties to be enjoined not to injure the other, on Pain of full Restitution.

All Actions to be tried in the Court of Admiralty, or by special Commissioners, if either Party be an Alien.

injure or molest any of his *Britannick* Majesty's Subjects: Provided nevertheless that all Actions in such Cases shall be tried and determined by due and legal Process in the Court of Admiralty of the said Kings respectively; or if either Party, being an Alien in that Place where the Matter in question is to be tried and settled, shall rather chuse it before certain special Commissioners to be immediately appointed by either King to whom it shall belong, upon the Request of such Party; so as all Proceedings of this Sort shall not only be carried on in the most easy and moderate way in Point of Expence, but shall likewise be finally determined within the Space of three Months at farthest.

The Books make mention of another Treaty made in the following Year, under Title of

Articles of Alliance and Commerce between Great-Britain and Denmark; concluded at Copenhagen, the 11th of July, 1670.

BUT this seems to be no more than a *French* Translation, or rather an Extract (it being not quite so full and compleat as the other) of the original Treaty made in *Latin* in 1669; or it may possibly be a Renewal of the Treaty made the foregoing Year, but contains no further Articles or new Matter.

Treaty

Treaty of League and Alliance between Great-Britain and Denmark; concluded in the Year 1661.

THE 1st, 6th, 19th, 20th, and 21st Articles of this Treaty are comprehended in the 1st, 5th, 29th and 30th Articles of the above recited Treaty of 1669. 1661.

Treaty of League and Alliance between Great-Britain and Denmark; concluded at Westminster, September 15, 1654.

THE 1st, 2d, 13th and 14th Articles of this Treaty are comprehended in the 1st, 5th, 29th and 30th Articles of the Treaty of 1669. 1654.

Treaty of Peace and Amity between Great-Britain and Denmark; concluded at London, April 19, 1621.

THE 1st, 13th and 14th Articles of this Treaty are comprehended in the 1st, 5th and 6th Articles of the Treaty of 1669. 1621.

*Articles and Clauses of Treaties between
Great-Britain and Denmark, rati-
fying or renewing former Treaties.*

Treaty of 1669.

ARTICLE XLI.

THE former Treaties which have been made at any time heretofore between the said Allies, or the Kings their Predecessors, as well for the Kingdoms of *Great-Britain*, &c. as for the hereditary Kingdoms of *Denmark* and *Norway*, &c. respectively, shall not be deemed to be infringed or abrogated in any the least Point, by any Agreement or Article contained in this present Treaty, but they shall remain in their full Force, Effect and Virtue, in so far as they are not contrary or repugnant to this present Treaty, or any Article thereof.

The 12th Article of the Treaty of 1661, and the 20th Article of the several Treaties of 1639, and 1621, are almost verbatim the same with the said 41st Article of 1669, and entirely so in Effect, as to the ratifying former Treaties.

Treaty

Treaty of Amity and Commerce between Great-Britain and the Duke of Savoy (now King of Sardinia) concluded at Florence, September the 19th, 1669.

ARTICLE I.

THAT Peace which has not been interrupted 1669.
for many Years, is by these Presents ratified Former Peace re-
and confirmed between the King of Great-Britain newed.
and the Duke of Savoy, &c. and their Subjects shall
be obliged on all Occasions to shew all kind of Ci-
vility and reciprocal Affection towards each other.

ARTICLE II.

It shall be lawful and free for all Kind of Ships Free Liberty for
and Vessels belonging to his Britannick Majesty or British Subjects
his Subjects, to carry and bring into the Ports of to import and
Villa Franca, Nice, or Saint Hospice, all Things land all Goods in
whatsoever, and all Kind of Merchandize of what certain Ports.
Nature soever and wherever produced, and they
may freely land and lodge all such Goods and Mer-
chandizes in any Places within such Ports for the
Security and Preservation of the same, without any
Confiscation, or the Exaction of any Impost or
Duty whatsoever, in case that such Goods or any
Part of them be not sold in such Ports.

ARTICLE V.

All Kind of Ships and Vessels belonging to his British Ships
Britannick Majesty or his Subjects, which shall sail coming from any
from *England*, or from any other Port under his English Ports with
Majesty's Obedience, or belonging to his Domi- Certificates of
nions, which shall not be infected with the Plague, Health, not to
and shall arrive at the Ports of *Nice, Villa Franca,* perform Quarantaine.
or *Saint Hospice*, with Certificates and Attestations
of their good Health, and not having traded on
their

their Voyage in any Place, or with any Persons suspected to be infected, shall be free from performing any Quarantine, or observing any Days of Purgation whatever ; and all Persons on board such Ships shall be at Liberty to trade immediately in such Ports.

ARTICLE XIII.

British Ships of War to be well received, supplied and protected in the three Ports of Savoy.

Whenever any Ships of War belonging to his *Britannick* Majesty shall enter into any of the said Ports, they shall be received there with the same Honours in all Points as any other Ships or Vessels belonging to any other Prince whatsoever ; and during the Time of the Continuance of any such Ships in the said Ports, they shall not be refused any thing which shall be necessary or convenient for them, they paying a reasonable Price for the same ; and with regard to Provisions, it shall be lawful for all Persons employed, to provide and furnish Provisions for such Ships, to contract for the Purchase of all Things necessary and convenient for their Sustenance throughout his Royal Highness's Dominions, and to bring all Things so purchased into the said Ports, without paying any Duty, Custom or Impost whatsoever, but only paying the prime Cost for the same : And his Majesty's said Ships of War shall, during their Continuance in the said Ports, be protected and defended against any Person whatsoever, who shall offer to do them any Violence, or to commit Hostilities against them.

Treaty

Treaty of Commerce between Great-Britain and the Sultan of the Turks: Wherein the ancient Conventions made in the Reigns of Queen Elizabeth, King James, and Charles I. are recited and confirmed; concluded at Adrianople, in September 1675.

Or rather,

A Grant and Confirmation of Privileges then made by the Sultan to the English Nation.

ARTICLE I.

THAT the *English* Nation and the *English* Merchants, and all other Nations or Merchants that do or shall arrive under the Colours and Protection of *England*, with their Ships, great and small, Merchandize, Effects, and all their other Goods, shall at all Times sail securely in our Seas, and go and come with all manner of Safety and Freedom, in all Places within the Limits of our Imperial Dominions, in such manner that no Person whatsoever of that Nation, nor his Goods or Effects, shall receive any Molestation or Impediment from any Person whatsoever.

Free Navigation
for all *English*
Ships and Goods,

ARTICLE IV.

All *English* Ships or Vessels, great or small, may at all Times come and enter into any Port or Harbour whatsoever of our Dominions, and depart from thence when they please, without being delay'd or hinder'd by any Person whatsoever.

Free Ingress and
Egress for all
English Ships.

ARTICLE V.

That if any Accident happen to any *English* Ship, great or small, from the Danger of the Sea,

English Ships in
Distress to be suc-
cour'd and sup-
plied,

or any other Necessity, all Ships, as well Imperial as those belonging to private Persons, which shall happen to be near such Ship in Distress, and all other Ships which shall be sailing upon the Seas and be near enough to succour them, shall be obliged to give them Aid and Assistance; and when they shall be entered into our Ports or Harbours, they may stay there as long as they please, buy all manner of Provisions and other Necessaries for their Money, and take in fresh Water, without any Trouble or Hindrance from any Person whatsoever.

ARTICLE XVII.

English Ships not to be molested, but kindly treated out at Sea,

Our Gallies, Ships, or other Vessels of our Empire, which shall meet with any *English* Ships at Sea, shall not do, or give, nor suffer the least Injury or Molestation to be done or given to them; nor stop them, or take or demand any thing from them, but shall salute them, and they shall shew a reciprocal Kindness to one another, without offering any Affront.

ARTICLE XVIII.

The English to enjoy all Privileges granted to any other Christian Nation.

All the particular Privileges and Stipulations, which have in time past been granted to the *French*, the *Venetians*, or any other Christian Nation whatever, whose King was in Peace and Friendship with the *Porte*, are hereby given and granted in the same Manner to the *English* Nation, to the End that the Tenor of our present Imperial Treaty may at all Times hereafter be observed by all manner of Persons, and that nobody may in any manner pretend, under any Colour whatsoever, to contravene or violate the same.

ARTICLE XXII.

The English to trade freely in Turkey, and to export all Goods, excepting Arms and Ammunition,

The *English* Nation, and all that come under the Colours of *England*, with their Ships, great or small, may sail, traffick, buy, sell, and live in all Places of
our

our Dominions, and, excepting Fire-Arms, Gun-Powder, and other such like Merchandize, may put on board and carry away in their Ships any Goods of our Dominions as they please, without any Trouble or Hindrance of any Person whatever; and their Ships and Vessels may freely come into and securely cast Anchor, and trade at all Times in all Places of our Dominions, and there buy Provisions, and all other Things for their Money, without any Contradiction or Hindrance of any Person whatsoever.

ARTICLE XXXVI.

The *English* Merchants, and all others who shall be under the Colours of *England*, may with all manner of Security, trade, sell, and buy, throughout all our Dominions, all Sorts of Merchandize, (those only excepted which are prohibited;) and they may likewise go and trade to *Muscovy* by Sea or Land, or by the way of the River *Tanais*, or *Don*, or through *Russia*, and may bring their Merchandize from thence into our Empire: And in like manner they may go to trade in *Persia*, and return through any Part thereof which we have conquer'd and the Confines of the same, without any Hindrance or Molestation from our Officers, and they shall pay the Customs and other Duties of that Country, and nothing more.

Free Trade to and from *Muscovy* and *Persia*, paying the ordinary Duties only.

ARTICLE XXXVII.

The *English* Merchants, and all others who shall be under the Colours of *England*, may freely and safely traffick and trade in *Aleppo*, *Cairo*, *Scio*, *Smyrna*, and in all Places of our Dominions, paying according to antient Custom *Three per Cent.* for all their Merchandizes, and no more.

Free Trade to *Aleppo*, &c. on paying the antient Custom.

ARTICLE

ARTICLE XLVIII.

Pirates of *Tunis* and *Algiers* not to molest or injure the *English* in their Persons or Goods.

For as much as it is notorious, that certain Pirates of *Tunis* and *Algiers*, in Breach of our Imperial Capitulations, and contrary to our Will and Intention, do take and carry off by Sea, the Ships, Merchandize, and Men who are the Subjects of the King of *England*, and of other Kings and States in Alliance with our Supreme *Porte*, to the great Damage and Prejudice of the said *English* Nation; for these Causes we command, and do by these Presents enjoin, that Mandates be issued and dispatched for the entire and perfect Restitution of all Goods and Merchandize so taken from the *English* Nation, and that all the *English* who have been taken and made Slaves, or imprisoned by the said Pirates, be forthwith set at Liberty; and if after the Day of the Date of our present Imperial Capitulations, the said Pirates of *Tunis* and *Algiers* shall continue to commit any Robberies or other Outrages upon them, and will not restore their Goods and Men, we forbid the said Pirates to be received into any Port of our Dominions, and particularly into the Harbours of *Tunis*, *Algiers*, *Modon*, or *Coron*; and we do expressly forbid our Beglerbeys and other Ministers to permit them to enter therein, or to suffer them to be there received or entertained; but on the contrary, we command the said Beglerbeys, Cadys, and other Ministers, to prosecute, banish, and punish them.

ARTICLE LIV.

Free Importation of all Goods into *Turky* and Exportation of all but Goods prohibited.

The *English* Merchants may freely come to all the Ports of our Dominions to trade, and to import woollen Cloth, Kerseys, Spices, Pewter, Lead, and all other Merchandize, and nobody shall give them any Trouble or Hindrance: They may also buy and export all Sorts of Merchandize, except what is prohibited, without Hindrance or Molesta-

tion; and after they have paid the Customs conformably to the present Imperial Capitulation and antient Usage, the Commissioners of the Customs and other Officers shall demand nothing more.

ARTICLE LIX.

The Gallies and other Ships of the Imperial Navy, sailing from the Dominions of the Grand Signior, and meeting any *English* Ships at Sea, shall not molest or retard them in their Voyage, nor take any thing whatsoever from them, but they shall always shew right good Friendship towards each other, without doing each other the least Damage; and this being accordingly declared in the Imperial Capitulations, the Beys and Captains sailing upon the High Seas, and those of *Algiers*, *Tunis*, and *Tripoli*, meeting with *English* Ships sailing from one Port to another, shall not take away any of their Money or Goods, on Pretence that they have Goods of the Enemy on board, nor search them on that Account, nor molest or retard them in their Voyage; so that their Goods shall only be examined at the Entrance of Forts, and in the Harbours where the Searchers belonging to the Customs are used to go on board; and when they are out at Sea, they shall not be liable to any farther Search or Inquiry

Turkish Ships of War, or those of *Algiers*, &c. not to molest or search any *English* Ships at Sea.

Articles of Peace and Commerce between Great-Britain and the Emperor of Fez and Morocco; concluded at Mequinez, January the 14th, 1727-8.

ARTICLE I.

1727-8.

THAT all *Moors* and *Jews*, Subjects to the Emperor of *Morocco*, shall be allowed a free Traffick, viz. to buy or sell for thirty Days in the City of *Gibraltar*, or Island of *Minorca*, and not to reside in either Place, but to depart with their Effects, without Lett or Molestation, to any Part of the said Emperor of *Morocco's* Dominions.

ARTICLE IV.

All British Subjects taken by any Cruizers, to be set at Liberty.

That all his *Britannick* Majesty's Subjects, as well Passengers as others, taken by any of the Emperor of *Fez* and *Morocco's* Cruizers, on board any foreign Ship or Vessel whatever, shall immediately be set at Liberty, and sent to the City of *Gibraltar*.

ARTICLE V.

Free Liberty to buy all Necessaries for the British Fleet, or for the City of *Gibraltar*.

That there be Permission for buying of Provisions and all other Necessaries for his *Britannick* Majesty's Fleet, or for the City of *Gibraltar*, at any of the Emperor of *Fez* and *Morocco's* Sea Ports at the Market Prices, and the same to be shipped off without paying Customs, as has been extorted lately, contrary to the Treaty of Peace subsisting.

Articles of Peace and Commerce between Great-Britain and Algiers; ratified, confirmed, and renewed at Algiers, October the 29th, 1716.

ARTICLE I.

THAT the Ships and other Vessels, and the Subjects and People of either Side, shall not henceforth do to each other any Harm, Offence or Injury, either in Word or Deed, but shall treat each other with all possible Respect and Friendship. 1716. Mutual Amity and Forbearance from Injuries.

ARTICLE II.

That from this Time forward for ever, the Island of *Minorca* and City of *Gibraltar* shall be esteemed in every Respect by the Government and People of *Algiers*, to be Part of his *Britannick* Majesty's Dominions, and the Inhabitants thereof to be looked upon as his Majesty's natural Subjects, in the same manner as if they had been born in any other Part of *Great-Britain*, and they with their Ships and Vessels wearing *British* Colours, and being furnished with proper Passes, shall be permitted freely to trade and traffick in any Part of the Dominions of *Algiers*, and shall pass without any Molestation whatsoever, and shall have the same Liberties and Privileges that are stipulated in this, and have been made in all other Treaties in the behalf of the *British* Nation and Subjects, and therefore none of the Cruizers of *Algiers*, shall at any Time cruize within Sight of the Ports of the said Island of *Minorca* and City of *Gibraltar*. *Minorca and Gibraltar to be reputed in all Respects Part of the British Dominions; and the Inhabitants entitled to the same Privileges.* *Algerines not to cruize within Sight of either.*

ARTICLE III.

That if an *English* Ship shall receive on board any Passengers and Goods belonging to the Kingdom of *Algiers*, they shall defend them and their Goods. The *English* to defend the Persons and Goods of *Algerines* on board their Vessels.

Such Goods to be
registred with the
Consul before
they are shipped.

Goods so far as lieth in their Power, and not deliver them to their Enemies; and the better to prevent any unjust Demands being made upon the Crown of *Great-Britain*, and to avoid Disputes and Differences that may arise, all Goods and Merchandizes that shall from henceforward be shipped by the Subjects of *Algiers* on board the Ships or Vessels of *Great-Britain* upon Freight, shall be first registred in the Office of *Cancellaria*, before the *British* Consul residing in the Port, where they are so shipped, and the Quantity, Quality, and Value thereof shall be expressed; and the Consul is to manifest the same in the Clearance given to the Ship or Vessel before she shall depart; to the End, that if any Cause of Complaint should happen hereafter, there may be no greater Claim made on the *British* Nation, than what by this Method may be proved just and equitable.

ARTICLE IV.

English Ships to
go free with pro-
per Passes.

That if any of the *Algerine* Cruizers shall meet with any *British* Ships provided with Scollop Passes of either Ships or Settees, that shall fit with those delivered to them by the *British* Consul, they shall pass free and unmolested.

Articles of Peace and Commerce between Great-Britain and Algiers, concluded at Algiers, October 28, 1703.

ARTICLE III.

1703.
All Prizes and *American* Ships belonging to *England* to go free with Certificates only.

ALL Prizes taken by any of her Majesty of *Great-Britain's* Subjects, and all Ships and Vessels built and fitted out in any of her Majesty's Plantations in *America*, that have not been in *England*, shall not be molested in Case of no Pass, but a Certificate in Writing, under the Hand of the

commanding Officer that shall so take Prizes, and a Certificate under the Hands of the Governor or Chief of any of her Majesty's Plantations in *America*, or where any Ship shall be built or fitted, shall be a sufficient Pass for either of them; and our Faith shall be our Faith, and our Word our Word.

Peace confirmed and additional Articles made with the Government of Algiers, on the 17th of August, 1700.

ARTICLE I.

WE the Dey, Bahaw and Aga, Governors of the City and Kingdom of *Algiers*, do by these Presents renew and confirm the Peace we so happily enjoy with the King of *Great-Britain* and his Subjects, made in the Year 1682, in every Part and Article, more particularly that of the 8th, wherein it is expressed, no Ship or Vessel belonging to our Government of *Algiers* shall cruize near or in Sight of any of the Roads, Havens or Ports, Towns or Places belonging to the said King of *Great-Britain*, or any ways disturb the Peace and Commerce of the same: And in Compliance with the 8th Article of that Treaty, we do sincerely promise and declare, that such Orders shall for the future be given to all our Commanders, that under a severe Penalty, and our utmost Displeasure, they shall not enter into the Channel of *England*, nor come or cruize in Sight of any Part of his Majesty of *Great-Britain's* Dominions, any more for the time to come.

1700.

Treaty of 1682 confirmed.

Algerines not to cruize near any Places belonging to Great-Britain, or in the English Channel.

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ARTICLE

ARTICLE II.

English Ships without a Pass, lawful Prize, with a Saving as to Men, Ships, and Freight.

After the last Day of *September*, 1701, if any Ship of *England* be seized, not having a Pass, the Goods in that Ship shall be Prize, but the Master, Men, and Ships shall be restored, and the Freight immediately paid to the said Master, to the utmost Value, as he should have had if he had gone safe to the Port whither he was bound.

ARTICLE III.

A special Officer to protect all English Ships of War in the Mould of Algiers.

That whereas Captain *John Munden* has given us good Assurance, that he received a great Affront some Years past from some of our rude Sailors at our Mould; we do hereby promise, that at all Times whenever any of the King of *Great-Britain's* Ships of War come to this Place, Order shall be given to an Officer of the Government immediately, who shall attend at the Mould all the Day time during their stay here, to prevent any such Disorder for the future, that no Misunderstanding may happen between us; and if any such Disorder should happen, the Officer of the Mould shall secure the Person or Persons, and they shall be punished with the utmost Severity.

Articles of Peace and Commerce between Great-Britain and Algiers; ratified and confirmed on the 5th of April, 1686.

ARTICLE I.

Mutual Amity and Friendship.

THAT the Ships and other Vessels, Subjects and People on both Sides, shall not from henceforth do to each other any Harm, Offence, or Injury, either in Word or Deed; but they shall treat each other with all possible Respect and Friendship.

ship, and that all Demands and Pretensions whatsoever to this Day between both Parties shall cease and be void.

ARTICLE II.

That any of the Ships or other Vessels belonging to the said King of *Great-Britain*, or to any of his Majesty's Subjects, may safely come to the Port of *Algiers*, or to any other Port or Place of that Kingdom, there freely to buy and sell, paying the usual Customs of *Ten per Cent.* as in former Times, for such Goods as they sell, and the Goods they sell not, they shall freely carry on board without paying any Duties for the same; and that they shall freely depart from thence whensoever they please without any Stop or Hindrance whatsoever: As to Contraband Merchandize, as Powder, Brimstone, Iron, Plank, and all Sorts of Timber fit for building of Ships, Ropes, Pitch, Tar, Fusils, and other Habiliments of War, his said Majesty's Subjects shall pay no Duty for the same to those of *Algiers*.

Free Navigation and Trade for all the *English* in *Algiers*, paying the usual Customs.

ARTICLE III.

That all Ships and other Vessels, as well those belonging to the King of *Great-Britain*, or to any of his Majesty's Subjects, as those belonging to the Kingdom or People of *Algiers*, shall freely pass the Seas, and traffick without any Search, Hindrance or Molestation from each other; and that all Persons or Passengers, of what Country soever, and all Monies, Goods, Merchandizes and Moveables, to whatsoever People or Nation belonging, being on board any of the said Ships or Vessels, shall be wholly free, and shall not be stopped, taken or plundered, nor receive any Harm or Damage whatsoever from either Party.

Free Passage and Commerce for all Ships of both Nations; and all Persons and Goods on board either to be safe,

ARTICLE IV.

All Ships on both
Sides to pass free-
ly on producing
Passes and Certi-
ficates,

That the *Algiers* Ships of War, or other Vessels meeting with any Merchant Ships or Vessels of his said Majesty's Subjects, not being in any of the Seas appertaining to his Majesty's Dominion, may send on board one single Boat with two Sitters only, besides the ordinary Crew of Rowers; and that no more shall enter such Merchant Ship or Vessel without express Leave from the Commander thereof, but the two Sitters alone; and that upon producing a Pass under the Hand and Seal of his Majesty, or whomsoever he shall appoint to be Lord High Admiral, or to execute the Office of Lord High Admiral for *England* and *Ireland*, or of the Lord High Admiral for *Scotland*, for the said Kingdoms respectively, that the said Boat shall presently depart, and the Merchant Ship or Vessel shall proceed freely on her Voyage; and any of the Ships of War or other Vessels of his said Majesty meeting with any Ships or other Vessels of *Algiers*, if the Commander of any such *Algier* Ship or Vessel shall produce a Pass signed by the chief Governors of *Algiers*, and a Certificate from the *English* Consul residing there, the said *Algier* Ship or Vessel shall proceed freely.

ARTICLE V.

Algerines not to
force away or use
any Violence to
any Persons on
board an *English*
Ship,

That no Commander or other Person of any Ship or Vessel of *Algiers*, shall take out of any Ship or Vessel of his said Majesty's Subjects any Person or Persons whatsoever, to carry them any where to be examined, or upon any other Pretence; nor shall they use any Torture or Violence to any Person of what Nature or Quality soever, being on board any Ship or Vessel of his Majesty's Subjects, upon any Pretence whatsoever.

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ARTICLE VII.

That no Ship nor any other Vessel of *Algiers* shall have Permission to be delivered up to the Men of *Sallee*, or to go to *Sallee*, or to any other Place at Enmity with the King of *Great-Britain*, to be made use of as Corsairs or Sea Rovers against his said Majesty's Subjects.

Algerine Ships not to be carried to Sallee or elsewhere to be used against Great-Britain.

ARTICLE VIII.

That none of the Ships, or other smaller Vessels of *Algiers*, shall remain cruizing near or in Sight of any of his Majesty's Roads, Havens or Ports, Towns and Places, nor any way disturb the Peace and Commerce of the same.

Algerines not to cruise near any British Ports, &c.

ARTICLE IX.

That if any Ship or Vessel of *Tunis*, *Tripoli*, or *Sallee*, or of any other Place dependant on them, bring any Ships, Vessels, Men or Goods, belonging to any of his said Majesty's Subjects to *Algiers* or to any other Port or Place in that Kingdom, the Governors there shall not permit them to be sold within the Territories of *Algiers*.

English Ships, Men or Goods, brought into Algiers shall not be sold there.

ARTICLE X.

That if any of the Ships of War of the said King of *Great-Britain* do come to *Algiers*, or to any other Port or Place of that Kingdom with any Prize, they may freely sell it, or otherwise to dispose of it at their own Pleasure, without being molested by any, and that his Majesty's said Ships of War shall not be obliged to pay Customs in any Sort, and that if they shall want Provisions, Victuals, or any other Things, they may freely buy them at the Rates in the Market.

English Ships of War may dispose of any Prizes in Algiers, and buy all Necessaries; and to pay no Customs.

ARTICLE XI.

Christian Captives
escaping on board
English Ships of
War, after No-
tice of their Ar-
rival, not to be
remanded,

That when any of his said Majesty's Ships of War shall appear before *Algiers*, upon Notice thereof given by the *English* Consul, or by the Commander of the said Ships to the chief Governors of *Algiers*, publick Proclamation shall be immediately made to secure the Christian Captives; and if after that any Christians whatsoever make their Escape on board any of the said Ships of War, they shall not be required back again, nor shall the said Consul or Commander, or any other of his Majesty's Subjects, be obliged to pay any thing for the said Christians.

ARTICLE XII.

No British Sub-
jects to be made
Slaves or sold in
Algiers.

That henceforward no Subjects of his Majesty of *Great-Britain*, &c. shall be bought or sold, or made Slaves in any Part of the Kingdom of *Algiers*, upon any Pretence whatsoever.

ARTICLE XIX.

Passengers being
Subjects to either
Party, not to be
molested in Per-
sons or Goods on
board Enemies
Ships.

That no Subject of his said Majesty, being a Passenger, and coming or going with his Baggage from or to any Port, shall be any way molested or meddled with, although he be on board any Ship or Vessel in Enmity with *Algiers*: And in like manner no *Algerine* Passenger being on board any Ship or Vessel in Enmity with the said King of *Great-Britain*, shall be in any way molested, whether in his Person or in his Goods which he may have laden on board the said Ship or Vessel.

ARTICLE XX.

Mutual Salutes
on English Ships
of War coming
into *Algiers*.

That at all Times when any Ship of War of the King of *Great-Britain*'s carrying his said Majesty's Flag at the Maintop-mast-head, shall appear before *Algiers*, and come to an Anchor in the Road: That immediately after Notice thereof given by his said Ma-

Majesty's Consul, or Officer from the Ship, unto the Dey and Government of *Algiers*, they shall, in Honour to his Majesty, cause a Salute of one and twenty Cannon to be shot from the Castles and Forts of the City, and that the said Ship shall return the Salute by firing off the same Number of Canon.

A R T I C L E X X I .

This Peace shall be in full Force and Virtue, and continue for ever. This Peace perpetual.

A R T I C L E X X I I .

That in case it shall happen hereafter that any thing is done or committed contrary to this Treaty, whether by the Subjects of the one or the other Party, the Treaty notwithstanding shall subsist in full Force, and such Contraventions shall not occasion the Breach of this Peace, Friendship and good Correspondence; but the Party injured shall amicably demand immediate Satisfaction for the said Contraventions, before it be lawful to break the Peace; and if the Fault was committed by any private Subjects of either Party, they alone shall be punished as Breakers of the Peace, and Disturbers of the publick Quiet: And our Faith shall be our Faith, and our Word our Word.

Violations and Contraventions by the Subjects of either, shall not make a Breach of the Peace; but Satisfaction to be made, and Offenders punished.

Articles of Peace and Commerce between Great-Britain and Algiers; concluded the 5th of March, 1682.

THIS Treaty is in Substance and almost verbatim the same with the above recited Treaty of 1686, excepting that the Words dependant on them, in the 19th Article of the Treaty of 1686, are

1682.

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are not inserted or contained in the correspondent Article of the Treaty of 1682.

The Form of the Passport referred to in the 4th Article of both Treaties of 1686, and 1682, and which is subjoined to the Treaty of 1682.

The Form of the
Passport.

PERMIT the Ship to pass with her Crew, Passengers, Goods and Merchandizes, without any Lett, Hindrance, Seizure or Molestation, the said Ship appearing to us by good Testimony to belong to our Subjects (or to the Subjects of the King our Sovereign Lord) and not to a Stranger.

Given under my Seal (or our Seals) and the Seal of the Office of High Admiral (or of our Office of Admiralty) this Day of in the Year of our Lord

To all Persons to whom these Presents may concern.

By the Command of

1672. The Treaty of Peace, concluded with the *Algerines* in 1672, as likewise the Articles of Peace and Commerce settled and concluded with them by
1664. *Admiral Allen*, on the 30th of *October* 1664, and
1662. those concluded by *Sir John Lawson* in 1662, afterwards ratified by the *Grand Signior*, are all comprehended in the above recited Treaty of 1686.

Articles

Articles and Clauses of Treaties between Great-Britain and Algiers, reviving or confirming former Treaties.

Articles of Peace and Commerce between Great-Britain and Algiers, agreed on in October 1716.

ARTICLE I.

IT is agreed and concluded, that from this Day and for ever forwards, the Peace made by *Arthur Herbert*, Esq; then Admiral of his Majesty's Fleet, and *Sir William Soams*, Bart. Ambassador to the Grand Signior in the Year 1686, with the additional Articles agreed to with Captain *Munden* and Consul *Cole*, in the Year 1700. Treaties and Articles agreed on 1686, 1700, and 1703, confirmed.

And likewise the further additional Articles agreed to with *George Byng*, Esq; then Rear Admiral of the Red Squadron of her Majesty's Fleet, in the Year 1703, be renewed and confirmed: And together with the additional Articles agreed to in this Treaty with Captain *Norbury*, Captain *Eaton*, and *Thomas Thompson*, Esq; his Majesty's Consul at *Algiers*, be kept inviolably between the King of *Great-Britain* and the Dey and Governor of *Algiers* in the West, the Aga, Kahya, and the rest of the Seniors of the Divan, and between all the Dominions and Subjects of either Side,

Articles

Articles of Peace and Commerce between Great-Britain and Algiers, made in the Year 1703

A R T I C L E I.

Treaties and Articles agreed on in 1682, 1686, and 1700, confirmed.

IT is agreed and concluded, that from this Day and for ever forwards, the Peace made by *Arthur Herbert, Esq;* then Admiral of his Majesty's Fleet in the *Mediterranean* in the Year 1682, and since confirmed by *Sir William Soams, Bart.* Ambassador to the Grand Seignior in the Year 1686, with the additional Articles agreed to with Captain *Munden*, and Consul *Cole*, in the Year 1700, be renewed and confirmed (with the further Addition of the Articles agreed to in this Treaty with *George Byng, Esq;* Rear Admiral of the Red Squadron of her Majesty's Fleet) be kept inviolably between the Queen of *Great-Britain*, and the Dey, Bashaw, Aga, and Governors of the City and Kingdom of *Algiers*, and between all the Dominions and Subjects of either Side.

Articles of Peace between Great-Britain and Tripoly; concluded July the 19th, 1716.

A R T I C L E I.

1716.
Perpetual Peace and Amity.

IN the first Place, it is agreed and concluded, that from this Time forward for ever, there shall be a true and inviolable Peace between the Most Serene King of *Great-Britain*, and the Most Illustrious Lords and Governors of the City and Kingdom of *Tripoly* in *Barbary*, and between all the Dominions and Subjects of either Side; and if the Ships and Subjects of either Party shall happen to meet upon the Seas or elsewhere, they shall not molest

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molest each other, but shall shew all possible respect and Friendship.

ARTICLE III.

That all Ships and other Vessels, as well those belonging to the said King of *Great-Britain*, or to any of his Majesty's Subjects, as those belonging to the Kingdom or People of *Tripoly*, shall freely pass the Seas and traffick where they please, without any Search, Hindrance or Molestation from each other, and that all Persons or Passengers, of what Country soever, and all Monies, Goods, Merchandizes and Moveables, to whatsoever People or Nation belonging, being on board any of the said Ships or Vessels, shall be wholly free, and shall not be stopped, taken or plundered, or receive any Harm or Damage whatsoever from either Party.

All Ships on both Sides to pass freely with all Persons and Goods.

ARTICLE IV.

That the *Tripoly* Ships of War, or any other Vessels thereunto belonging, meeting with any Merchant Ships or other Vessels of the King of *Great-Britain's* Subjects (not being in any of the Seas appertaining to any of his Majesty's Dominions) may send on board one single Boat with two Sitters, besides the ordinary Crew of Rowers; and no more but the two Sitters to enter any of the said Merchant Ships, or any other Vessels, without the express Leave of the Commander of every such Ship or Vessel, and then, upon producing to them a Pass under the Hand and Seal of the Lord High Admiral of *England*, the said Boat shall presently depart, and the Merchant Ship or Ships, Vessel or Vessels, shall proceed freely on her or their Voyage; and altho' the Commander or Commanders of the said Merchant Ship or Ships, Vessel or Vessels, produce no Pass from the Lord High Admiral of *England*, yet if the major Part of the Ship or Vessel's Company be Subjects to the said King of *Great-Britain*,

All Ships on both Sides to pass freely on producing Passes, or the major Part of the Crew being Subjects.

Britain, the said Boat shall presently depart, and the Merchant Ship or Ships, Vessel or Vessels shall proceed freely on her or their Voyage: And any of the said Ships of War, or other Vessels of his said Majesty, meeting with any Ship or Ships, Vessel or Vessels belonging to *Tripoly*, if the Commander or Commanders of any such Ship or Ships, Vessel or Vessels, shall produce a Pass signed by the chief Governors of *Tripoly*, and a Certificate from the *English* Consul residing there; or if they have no such Pass or Certificate, yet if the major Part of their Ship's Company be *Turks*, *Moor*s, or *Slaves* belonging to *Tripoly*, then the said *Tripoly* Ship or Ships, Vessel or Vessels, shall proceed freely.

A R T I C L E V.

Ships of Tripoly shall not force away or use Violence to any Person on board any English Ships.

That no Commander or other Person of any Ship or Vessel of *Tripoly* shall take out of any Ship or Vessel of his said Majesty's Subjects, any Person or Persons whatsoever, to carry them any where to be examined, or upon any other Pretence; nor shall use any Torture or Violence unto any Person, of what Nation or Quality soever, being on board any Ship or Vessel of his Majesty's Subjects upon any Pretence whatsoever.

A R T I C L E VII.

No Ships of Tripoly to be carried to any Enemy of Great-Britain.

That no Ship or any other Vessel of *Tripoly* shall have Permission to be delivered up, or to go to any other Place at Enmity with the said King of *Great-Britain*, to be made use of as Corsairs against his said Majesty's Subjects.

A R T I C L E VIII.

British Ships, Men or Goods taken by an Enemy, not to be sold in Tripoly.

That if any Ship or Vessel of *Tunis*, *Algiers*, *Tetuan* or *Sallee*, or any other Place being at War with the said King of *Great-Britain*, bring any Ships or Vessels, Men or Goods belonging to his said Majesty's Subjects to *Tripoly*, or to any Port or

or Place in that Kingdom, the Governors there shall not permit them to be sold within the Territories of *Tripoly*.

A R T I C L E . XV.

That no Subject of his said Majesty being a *British* Subject Passenger from or to any Port, shall be any way not to be molested even on board an Enemy. molested or meddled with, although he be on board any Ship or Vessel in Enmity with *Tripoly*.

A R T I C L E . XVI.

That if any of the Ships of War of the said *British* Ships of War may sell their Prizes and buy Provisions, &c. in *Tripoly*, and to pay no Customs. King of *Great-Britain* come to *Tripoly*, or to any other Port or Place of that Kingdom with any Prize, they may freely sell it, or otherwise dispose of it at their own Pleasure, without being molested by any; and that his Majesty's said Ships of War shall not be obliged to pay Customs in any Sort; and that if they shall want Provisions, Victuals, or any other Things, they may freely buy them at the current Price.

A R T I C L E . XVII.

That when any of his Majesty's Ships of War *Christian Captives* escaping on board *English* Ships of War, after Notice of their Arrival, not to be remanded. shall appear before *Tripoly*, upon Notice thereof given to the *English* Consul, or by the Commander of the said Ships to the chief Governor of *Tripoly*, publick Proclamation shall be immediately made to secure the Christian Captives; and if after that any Christians whatsoever make their Escape on board any of the said Ships of War, they shall not be required back again, nor shall the said Consul or Commander, or any other his Majesty's Subjects, be obliged to pay any thing for the said Christians.

A R T I C L E . XIX.

That at all Times, when any Ship of War of *Mutual Salutes* the King of *Great-Britain*, &c. carrying his said on *English* Ships of War coming into *Tripoly*. Majesty's Flag, appears before the said City of *Tripoly*

Tripoly, and comes to anchor in the Road, immediately after Notice thereof given by his said Majesty's Consul, or Officer from the Ship, unto the Dey and Government of *Tripoly*, they shall, in Honour to his Majesty, cause a Salute of twenty-seven Cannon to be fired from the Castle and Forts of the City, and that the said Ship shall return the Salute by firing the same Number of Cannon.

A R T I C L E XX.

British Merchant Ships not to be detained in Tripoly longer than three Days.

That no Merchant Ship belonging to *Great-Britain*, or any other Nation under the Protection of the *British* Consul, being in the Port of *Tripoly*, shall be detained from proceeding to Sea on her Voyage longer than three Days, under the Presence of arming out the Ships of War of this Government, or any other whatsoever.

A R T I C L E XXIII.

Minorca and Gibraltar to be reported Part of the British Dominions, and the People entitled to the same Privileges.

That whereas the Island of *Minorca* in the *Mediterranean* Sea, and the City of *Gibraltar* in *Spain*, have been yielded up and annexed to the Crown of *Great-Britain*, as well by the King of *Spain* as by all the several Powers of *Europe* engaged in the late War; now it is hereby agreed and fully concluded, that from this Time forward for ever, the said Island of *Minorca* and City of *Gibraltar* shall be esteemed in every respect by the Governors of *Tripoly* to be Part of his *Britannick* Majesty's own Dominions, and the Inhabitants thereof to be looked upon as his Majesty's natural Subjects, in the same manner as if they had been born in any other Part of *Great-Britain*, and they with their Ships and Vessels, wearing *British* Colours, shall be permitted freely to trade and traffick in any Part of the Kingdom of *Tripoly*, and shall pass without any Molestation whatsoever, either on the Seas, or elsewhere, in the same manner, and with the same Free-

Freedom and Privileges as have been stipulated in this and all former Treaties in behalf of the *British* Nation and Subjects.

ARTICLE XXIV.

None of the Ships or Vessels belonging to *Tripoly*, shall cruize or look for Prizes before or in Sight of the Ports of the Island of *Minorca*, and the City of *Gibraltar*, to disturb or molest the Trade thereof in any manner whatsoever.

Ships of Tripoly not to cruize before Minorca or Gibraltar.

ARTICLE XXV.

All and every the Articles in this Treaty shall be inviolably kept and observed between *Great-Britain* and *Tripoly*, and all other Matters not particularly expressed in this Treaty, and provided for in any former, shall still remain in full force, and shall be esteemed the same as if inserted here.

Former Treaties confirmed.

The Treaty of Peace and Commerce between *Great-Britain* and *Tripoly*, concluded *May* the 1st 1676, which was ratified by another Treaty, made on the 7th of *February*, 1686; as likewise the Treaty of Peace and Commerce between the said Parties, concluded *October* the 18th, 1662, are comprehended in the above recited Treaty of 1716.

1676.

1686.

1662,

Articles of Peace between Great-Britain and Tunis; concluded August the 30th, 1716.

ARTICLE I.

THAT from henceforward a firm Peace for ever, free Trade and Commerce, shall be and continue between the Subjects of *Great-Britain*, and the People of the Kingdom of *Tunis*, and the Dominions thereunto belonging.

1716.

Perpetual Peace and free Trade.

O ARTICLE

ARTICLE II.

Freedom of Trade
for all Ships of
both Parties,
paying the an-
cient Duties.

That the Ships of either Party shall have free Liberty to enter into any Port or River belonging to the Dominions of either Party, paying the Duties only for what they shall sell, transporting the rest without any Trouble or Molestation, and freely enjoy any other Privileges accustomed; and the late Exaction that hath been upon the lading and un-lading of Goods at *Goletta* and the *Marine*, shall be reduced to the ancient Customs in those Cases.

ARTICLE III.

All Ships on both
Sides to go un-
molested.

That there shall be no Seizure of any Ships of either Party at Sea or in Port, but that they shall quietly pass without any Molestation or Interruption, they displaying their Colours; and for Prevention of all Inconveniences that may happen, the Ships of *Tunis* are to have a Certificate under the Hand and Seal of the *British* Consul, that they belong to *Tunis*; which being produced, the *English* Ship shall admit two Men to come on board them peaceably, to satisfy them they are *English*; and although they have Passengers of other Nations on board, they shall be free both they and their Goods.

All Passengers
and Goods in
English Ships to
be free.

ARTICLE IV.

English Ships
having Men or
Goods on board
belonging to *Tu-*
nis, to defend
them.

That if an *English* Ship shall receive on board any Goods or Passengers belonging to the Kingdom of *Tunis*, they shall be bound to defend them and their Goods so far as lieth in their Power, and not deliver them unto the Enemies; and the better to prevent any unjust Demands being made upon the Crown of *Great-Britain*, and to avoid Disputes and Differences which may arise, all Goods and Merchandizes that shall from henceforward be shipped by the Subjects of this Government either in this Port, or any other whatsoever, on board the Ships or Vessels belonging to *Great-Britain*, shall be first

Goods of Subjects
of *Tunis* shipped
on board *English*
Ships to be en-
tered before the
Consul, and cer-
tified by him.

first entered in the Office of *Chancellaria*, before the *British* Consul residing at the respective Port, expressing the Quantity, Quality and Value of the Goods so shipped, which the said Consul is to certify in the Clearance given to the said Ship or Vessel before she departs; to the end that if any Cause of Complaint should happen hereafter, there may be no greater Claim made on the *British* Nation, than by this Method shall be proved to be just and equitable.

A R T I C L E X.

That as the Island of *Minorca* in the *Mediterranean Sea*, and the City of *Gibraltar* in *Spain*, have been yielded and annexed to the Crown of *Great-Britain*, as well by the King of *Spain*, as by all the several Powers of *Europe* engaged in the late War; now it is hereby agreed and fully concluded, that from this Time forward for ever, the said Island of *Minorca* and City of *Gibraltar* shall be esteemed in every respect by the Government of *Tunis* to be Part of his *Britannick* Majesty's own Dominions, and the Inhabitants thereof to be looked upon as his Majesty's natural Subjects, in the same manner as if they had been born in any other Part of *Great-Britain*; and they with their Ships and Vessels wearing the *British* Colours, shall be permitted freely to trade or traffick in any Part of the Kingdom of *Tunis*, and shall pass without any Molestation whatsoever, either on the Seas or elsewhere, in the same manner, and with the same Freedom and Privileges as have been stipulated in this and all former Treaties in behalf of the *British* Nation and Subjects.

Minorca and Gibraltar to be reputed Part of the British Dominions; and the Inhabitants to be entitled to the same Privileges.

A R T I C L E XI.

And the better and more firmly to maintain the good Correspondence and Friendship that hath been so long and happily established between the Crown

Ships of Tunis not to cruize before or near Minorca or Gibraltar.

of *Great-Britain* and the Government of *Tunis*, it is hereby agreed and concluded by the Parties beforementioned, that none of the Ships or Vessels belonging to *Tunis*, or the Dominions thereof, shall be permitted to cruize or look for Prizes of any Nation whatsoever, before or in Sight of the aforesaid City of *Gibraltar*, or any of the Ports of the Island of *Minorca*, to hinder or molest any Vessels bringing Provisions and Refreshments for his *Britannick* Majesty's Troops and Garrisons in those Places, or give any Disturbance to the Trade or Commerce thereof; and if any Prize shall be taken by the Ships or Vessels of *Tunis* within the Space of ten Miles of the aforesaid Places, she shall be restored without any Dispute.

ARTICLE XII.

Liberty of repairing, &c. all Ships of War on both Sides in all Ports.

That all the Ships of War belonging to either Party's Dominions, shall have free Liberty to use each other's Ports, for washing, cleaning, and repairing any of their Defects; and to buy and to ship off any Sort of Victuals, alive or dead, or any other Necessaries, at the Price the Natives buy at in the Market, without paying Custom to any Officer: And whereas his *Britannick* Majesty's Ships of War do frequently assemble and harbour in the Port of *Mabon* in the Island of *Minorca*; if at any time they, or his Majesty's Troops in Garrison there, should be in want of Provisions, and should send from thence to purchase Supplies in any Part of the Dominions belonging to *Tunis*, they shall be permitted to buy Cattle, alive or dead, and all other Kind of Provision, at the Prices it is sold in the Market, and shall be suffered to carry it off without paying Duty to any Officer, in the same manner as if his Majesty's Ships were themselves in the Port.

British Ships of War or Troops at Port Mabon to send and buy Provisions at Tunis, when they please.

ARTICLE

ARTICLE XIII.

That in case any Ships of War belonging to the Kingdom of *Tunis* shall take in any of their Enemies Ships any *Englismen* serving for Wages, they are to be made Slaves; but if Merchants or Passengers, they are to enjoy their Liberty and Goods free.

Englismen taken in Service on board an Enemy of *Tunis*, may be made Slaves, but not Merchants or Passengers.

ARTICLE XV.

And the better to prevent any Dispute that may hereafter arise between the two Parties, about Salutes and publick Ceremonies, it is hereby agreed and concluded, that whenever any Flag Officer of *Great-Britain* shall arrive in the Bay of *Tunis*, in any of his Majesty's Ships of War, immediately upon Notice given thereof, there shall be five and twenty Cannon fired from the Castles of *Goletta*, or other the nearest Fortification belonging to *Tunis*, according to Custom, as a Royal Salute to his *Britannick* Majesty's Colours, and the same Number shall be returned in Answer thereto by his Majesty's Ships: And it is hereby stipulated and agreed, that all Ceremonies of Honour shall be allowed to the *British* Consul, who resides here, to represent in every respect his Majesty's Person, equal to any other Nation whatsoever; and no other Consul in the Kingdom to be admitted before him in Precedency.

Proper Salutes to be paid and returned on the Arrival of a *British* Flag Officer.

Due Honour to the *British* Consul.

ARTICLE XVIII.

It is moreover agreed, concluded and established, that in case any *British* Ship or Ships, or any of the Subjects of his Majesty of *Great-Britain*, shall import at the Port of *Tunis*, or any other Port of this Kingdom, any warlike Stores, as Cannons, Muskets, Pistols, Cannon, Powder or fine Powder, Bullets, Mafts, Anchors, Cables, Pitch, Tar, or the like; as also Provisions, viz. Wheat, Barley, Beans, Oats, Oil, or the like; for the said Kind of

No Duty to be paid by *British* Ships importing Stores or Provisions to *Tunis*.

Merchandize they shall not pay any Sort, of Duty or Custom whatever.

1686.
1674.
1662.

The several Treaties of Peace and Commerce between *Great-Britain* and *Tunis*, concluded and ratified in the Years 1686, 1674, and 1662, are comprehended in the above recited Treaty of 1716.

A P L A C A R D of A M P L I A T I O N .

WE the Sates General of the *United Netherlands*, to all those that shall see these Presents or hear the same read, send Greeting, and do make known, that whereas several Requisitions have been made to us by, and in the Name of several trading Inhabitants of this Country, to have an Elucidation or Interpretation in relation to some Articles contained in our Placard of the 7th of *July* last past, touching and concerning the Prohibition of the Exportation of some Goods and Merchandizes out of these Countries for abroad :

Therefore, we, in order to satisfy them, have found good by these Presents to declare ;

First, That under the Word of *Masts*, *Yards*, *Tops*, and all Sorts of round Timber, and other fit for the building of Ships, saw'd and unsaw'd, the Exportation whereof is prohibited by us, in our said Placard, are contained and to be understood green *Firr* and *Norway* and other *Masts*, *Stumps* for *Bowsprits*, *Yards*, *Tops* and all other round Timber ; there are likewise contained among it *Milrods* for *Oars*, and six or eight-square cut Timber, used or fit to be made useful for any of the said Articles ; *Knee Timber*, crooked Timber, of what Quality of Wood soever, without any Distinction of Length, Thickness and Breadth, *Silesia*, *Hamburg*, *Weese-lish*, or *Rhenish* Timber, Wood Blocks of Oak or Beach Wood, either whole or saw'd ; as also green *Firr* and *Norway* *Balks*, either intire or cut, above twenty Feet long, and above one Inch and a half thick ; all oaken Planks, be it *Dantzic* Plank, or

the so called Upper or Low-Land, of what Dimension or Thickness soever; likewise all green Firr, or *Norway* Deal Boards, saw'd either abroad or in these Provinces, longer than twenty Feet, and thicker than $1\frac{1}{2}$ Inch without any further.

Secondly, That under the Word of Ropes and Cordage prohibited to be exported by the Placard, are also comprehended bending Ropes, as also Cable Yarn, Rope Yarn, Leach Yarn, Sail Twine and the like.

Thirdly, That under the Word of Iron, prohibited likewise to be exported therein, shall not be comprehended, but be permitted to be exported whole Cast Iron Pots, Kettles, and Hearth Plates (the broken and split ones remain under the Prohibition as well as old Iron) further, it shall be permitted to export Iron Chests, made up Locks, Padlocks; as also small Locks, Snuffers and the like Iron Trifles ready made up; likewise Iron Wire, which is not comprehended under the issued Prohibition.

Fourthly, That under the Copper, which by the said Placard is forbidden to be exported, is not comprehended the small made up Copper-Work of small Kettles, Chaffing Dishes, Cascols, Candlesticks, Snuffers, and such like other minute Furniture, nor Copper-Wire.

Fifthly, That among the prohibited Metal is not comprehended Tutenage.

Further, that the said Placard shall be thus modified and altered so as it is by these Presents modified and altered, that without receding from the Treaties which have been made between this State and other Powers, and which by the Inhabitants of these Pro-

vinces or State, shall be punctually observed and obeyed, all Exportation by Sea of the prohibited Wares and Goods to the Lands and Dominions of the Allies of this State; as also to those, which in relation to this State are neuter, shall be free and open, provided however that the Shippers of such Goods to be sent abroad, shall previously declare to the College of Admiralty of the District from whence the Exportation is to be made, the exact Quantity and Value of those Goods; as also for what Place they are designed, and then and there give due and sufficient Security to the Satisfaction of the said College of Admiralty, and to the Amount of treble the Value of the said Goods, to bring in Certificates, and to prove within a certain Time to be limited by the said College, that the Goods are arrived at the intended Place, and have been delivered there under Penalty of treble the Value as aforesaid, so that the Security they have given shall not be cleared nor discharged, till after the Exhibition and Acceptation that the Proof has been satisfactory; and that the said Proof shall not be deemed as such, if they should pretend or prove that the Ship, in which the Goods are laden was taken by any other Nation, or that the Goods were taken from aboard of the Ship wherein they were laden, unless it is proved at the same Time that the same Ship sailed and continued and was still, at the Time of such Disaster, actually under the Convoy of one or more Ships of War of this State; or in case there was no Opportunity to take the Benefit of such a Convoy, that then at least the Original Orders shall be exhibited whereby it appears that such Goods were ordered from the Place declared, to be sent thither, and this, if thought necessary upon an Affirmation upon Oath that the said Orders are sincere, and the only ones which have relation to the said Goods, and upon which the same Goods were sent, and that the said Ship

Ship and Goods, or the Goods alone, and by itself, were taken without any Collusion or Concurrence or Design; that besides, a Sentence of Confiscation shall be produced and proved that the said Goods were laden here in the Country, on board of a known and unsuspected Vessel, so that it in every respect shall appear that the Shippers, and the Masters of the Ships have been upon their *Bona Fide*: And to the End that no Abuse may be made of this Concession, nor attempted to elude the good Intention of their High Mightinesses by any sinister Arts, the Shippers and the Masters of Ships that shall be found to have made their Machinations to send the prohibited Goods to *France*, shall also be corporally punished, besides and above the Forfeit and Penalty of treble the Value, and of the Forfeiture of the Ship, if, and as far as the same doth belong to the Shipper or Master.

In the like manner, under the same Precautions as far as applicable, it shall likewise be permitted so as it is permitted hereby to export the Goods by Land and by the Rivers, if the Colleges of Admiralty judge that there is no fear, that the said Ships may be intercepted by the way, and thus fall into the Hands of the Enemies, in which case they shall be at Liberty to refuse the Exportation, or unless therein for the better Precaution that the Goods shall remain at the Place where they are said to be designed for, and not to be sent to other Places where it should not be adviseable, other Cautions and Additions should be required, which the said Colleges of Admiralty shall have Power to cause to be inserted in the Instructions, which they shall pass in relation thereunto, so as they likewise shall have Liberty to take other Precautions in the return and calling back of the like Goods, which were to be exported when they find that this Country shall have Occasion for them.

And to the End that nobody may pretend any
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Ignorance hereof, we do require and desire the Lords the States, Statholder, commissioned Counsellors and Deputy States of the respective Provinces, and all other Justiciaries and Officers of the said Country, to cause this our Placard forthwith and every where to be publickly read, published and affixed, where it is needful, and where the like Publications and Affixions are usually made: And we do further charge and command the Counsellors of the Admiralty, Attornies and Commissaries General, as also all Admirals, Vice Admirals, Captains, Officers and Commanders, to obey this our Placard, and cause the same to be obeyed, to proceed and cause to be proceeded against the Contraveners thereof, without Connivance, Favour, Disimulation or Composition; for we have judged this to be thus necessary for the Service of the Country.

Thus done and resolved in the Assembly of the High mentioned Lords the States General at the *Hague*, under the Seal of the State and Signature of the Lord President of our Assembly, and of one of our *Griffiers* on the 31st of *August* 1747, was signed *E. Tamminga*. Underneath stood, by the Ordinance of the High mentioned Lords the States General, signed *Jan de la Bassécour*. Upon the empty Place the Seal of their High Mightinesses is stamp't on a red Wafer, covered with a Paper cut square;

St. Gravenbague :

By *Jacobus Scheltus*, Printer to their High Mightinesses the States General of the *United Netherlands*, in the Year 1747.

With Privilege.

P L A-

P L A C A R T.

TH E States General of the *United Netherlands* to all those that shall see these Presents or hear the same read, send greeting, and do make known and certify, that whereas, we in the present Conjunction of Times, for the Service of these Countries, we have occasion for many Sorts of Ammunition and warlike Materials, as also Provisions for Beasts; and having understood that considerable Quantities thereof are daily carrying out of the Country, whereby we ourselves may happen to be in want of them; therefore it is, in order to provide against the same, we have thought it proper to ordain and command, so as we by these Presents do ordain and command, that from this Time forward, until our further Resolution and Order, it shall not be permitted to export out of this Country abroad the following Sorts of Arms, Ammunition, and other warlike Stores, as also Fodder and Provisions, to wit, Salt-petre, Sulphur, refined or unrefined, Gunpowder, Matches, Cannon, Swivel Guns, Mortars, Carriages, Balls, Bombs, Curcasses, Grenadoes, Muskets, Forkets, Fusils, Pistols, Petards, Salfages, Pitch, Crantzies, Helmets, Caskets, Curasses, Bandeliers, Pouches, whole and half Pikes, Halberts, Swords; and further, all Sorts of Weapons, serving for the Hand, or firing Instruments, where amongst are comprehended Gun-Barrels and Locks, and what further may be requisite to mount the same; Boots, Saddles, Pistol-Cases, and all what is necessary for the dressing of Horses. *Item*, Masts, and all Sorts of round Timber, Timber for building of Ships, saw'd or unsaw'd, Sail-Cloth, Hemp, Ropes, Anchors, Pitch, Tar, Lead, Pewter, Iron and Steel Filings,

Filings, all Sorts of Copper and Metal, Sea-Coal, as also Hay, Oats, Straw and Horse Beans, all under the Penalty of forfeiting the said Species which shall be endeavoured to be exported and found out; and moreover, of twice the Value thereof, one third Part for the Informer, one third Part for the Officer that shall seize them, and one third Part for the Publick : Provided however that hereunder are not comprehended nor understood, such of the said Articles, that may happen to be exported for the Use of the Camps and Armies of this State or her Allies, nor such Articles thereof which are exported in their own or hired Ships of the *East* and *West-India* Companies of this Country, or to the other Colonies of this State, nor in the licens'd Ships of particular Persons for the Service of the said Colonies or of the Inhabitants of the same, provided they have previously desired and obtained Permission for so doing, from the respective College of Admiralty, under whose District the Exportation is to be made, and have given there sufficient Security, for treble the Value of the Goods, to verify and to prove satisfactory, within a certain Time, according and in Proportion to the Distance of the Place, to be limited by the College, that the said Goods are arrived and delivered at the intended Place of their Destination.

And to the End that nobody may pretend Ignorance hereof, we do require and desire the Lords the States, Stadholder, commissioned Counsellors, the deputed States of the respective Provinces, and all other Justiciaries and Officers of the said Country forthwith and without delay, to cause this our Placart to be publickly read, published and affixed every where it is required, and in such Places where it is usual to make such Publication and Affixion: And we do further charge and command the Counsellors of the respective Admiralties, Attornies General and Commissaries, as also all Generals, Admirals,

mirals, Vice-Admirals, Captains, Officers, and Commanders, to obey and cause to be obeyed this our Placart, to proceed and cause to be proceeded against them that shall act contrary thereunto without Connivance, Favour, Dissimulation or Composition, for we have found it to be necessary for the Service of the Country and State.

Thus done and resolved in the Assembly of the said and High mentioned Lords the States General in the *Hague*, under the Seal of the State and the Signature of the Lord President of our Assembly, and of one of our Griffiers on the 7th Day of *July* 1747. Was signed *C. Bentinck*. Underneath was written, by the Ordinance of the High mentioned Lords the States General, signed *Jan de la Bassecour*; and underneath was stampt the Seal of their High Mightinesses on a red Wafer, covered with a Paper square cut;

In St. Gravenhague:

By *Jacobus Scheltus*, Printer in Ordinary to the High and Mighty Lords the States General of the *United Netherlands* 1747.

With Privilege.

*A Copy of a Certificate for a private
Ship to annoy the Enemy in Time of
War.*

GEORGE the Second, by the Grace of God,
King of *Great Britain, France, and Ireland*, to
all People to whom these Presents shall come
greeting : Whereas we by our Declaration of the
nineteenth Day of *October*, in the Year of our
Lord one thousand seven hundred and thirty-nine,
for the Reasons therein contained have declared War
against *Spain*, and whereas we by our Declaration
of the twenty-ninth Day of *March*, in the Year of
our Lord one thousand seven hundred and forty-
four, for the Reasons therein contained have de-
clared War against *France*. And whereas we by
our Commission, under our Great Seal of *Great-
Britain*, bearing Date the eighteenth Day of *June*
following, have willed, required, and authorized
our High Admiral of *Great-Britain and Ireland*, &c.
for the Time being, and our Commissioners for ex-
ecuting the Office of our High Admiral of *Great-
Britain and Ireland*, &c. and the Commissioners for
executing the said Office for the Time being, or
any three or more of them, to issue forth, and grant
Commissions to any of our loving Subjects or o-
thers, whom our High Admiral aforesaid, or our
said Commissioners for executing the said Office,
and the Commissioners for executing the same for
the Time being, shall deem fitly qualified in that
behalf for the apprehending, seizing and taking
the Ships, Vessels and Goods belonging to *France*
and *Spain*, or the Vassals and Subjects of the *French*
King, or the King of *Spain*, or either of them or
others, inhabiting within any of their or either of
their

their Countries, Territories and Dominions, and such other Ships, Vessels and Goods, as are or shall be liable to Confiscation pursuant to the respective Treaties between us and other Princes, States and Potentates, and to bring the same to Judgment in our High Court of Admiralty of *England*, or such other Court of Admiralty as shall be lawfully authorized in that behalf, for Proceedings and Adjudication and Condemnation to be thereupon had according to the Course of Admiralty and Laws of Nations, and with such Clauses to be therein inserted, and in such manner as by our said Commission more at large appeareth. And whereas our said Commissioners for executing the Office of our High Admiral aforesaid, have thought *William Hutton* fitly qualified, who hath equipped, furnished and victualled a Ship called the *Cumberland*, of the Burthen of about five hundred and fifty Tons, whereof he the said *William Hutton* is Commander, and whereas he the said *William Hutton* hath given sufficient Bail, with Sureties to us in our said High Court of Admiralty, according to the Effect and Form set down in our Instructions made the said eighteenth Day of *June*, one thousand seven hundred and forty-four, and in the eighteenth Year of our Reign, a Copy whereof is given to the said Captain *William Hutton*. Know ye therefore, that we do by these Presents grant Commissions to, and do licence and authorize the said *William Hutton* to set forth in warlike manner the said Ship called the *Cumberland*, under his own Command, and therewith by Force of Arms to apprehend, seize and take the Ships, Vessels and Goods belonging to *France* and *Spain*, or the Vassals and Subjects of the *French* King, or King of *Spain*, or either of them, or others inhabiting within any of their or either of their Countries, Territories and Dominions, and such other Ships, Vessels and Goods as are or shall be liable to Confiscation pursuant to the

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the respective Treaties between us and other Princes, States and Potentates, and to bring the same to such Port as shall be most convenient, in order to have them legally adjudged in our said High Court of Admiralty of *England*, or before the Judges of such other Admiralty Court as shall be lawfully authorized within our Dominions, which being condemned, it shall and may be lawful for the said *William Hutton* to sell and dispose of such Ships, Vessels and Goods so adjudged and condemned, in such sort and manner as by the Course of Admiralty hath been accustomed, except in such Cases where it is otherwise directed by our said Instructions: Provided always that the said *William Hutton* keep an exact Journal of his Proceedings, and therein particularly take Notice of all Prizes which shall be taken by him, the Nature of such Prizes, the Times and Places of their being taken, and the Values of them as near as he can judge, as also of the Station, Motion and Strength of the Enemies, as well as he or his Mariners can discover by the best Intelligence he can get, and also of whatsoever else shall occur unto him or any of his Officers or Mariners, or be discovered or declared unto him or them, or found out by Examination or Conference with any Mariners or Passengers of or in any the Ships or Vessels taken, or by any other Person or Persons, or by any other ways and means whatsoever, touching or concerning the Designs of the Enemies, or any of their Fleets, Vessels or Parties, and of their Stations, Ports and Places, and of their Intents therein, and of what Merchant Ships or Vessels of the Enemies bound out or home, or to any other Place as he or his Officers or Mariners shall hear of, and of what else material in these Cases may arrive to his or their Knowledge; of all which, he shall from Time to Time, as he shall or may have Opportunity, transmit an Account to our High Admiral of *Great-Britain* for the Time

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being,

being, or our said Commissioners for executing the Office of our High Admiral aforesaid, or the Commissioners for executing that Office for the Time being or their Secretary, and to keep a Correspondence with him or them by all Opportunity that shall present. And further, provided that nothing be done by the said *William Hutton*, or any of his Officers, Mariners and Company, contrary to the true Meaning of our aforesaid Instructions, but that the said Instructions shall be by them, and each, and every of them, as far as they, or any of them are therein concerned in all Particulars well and duly performed and observed. And we pray and desire all Kings, Princes, Potentates, States and Republicks, being our Friends, all Allies and all others to whom it shall appertain to give the said *William Hutton* all Aid, Assistance and Succour in their Ports with his said Ship, Company and Prizes, without doing or suffering to be done to him any Wrong, Trouble, or Hindrance, we offering to do the like when we shall be by them thereunto desired: And we will and require all our Officers whatsoever to give him Succour and Assistance, as Occasion shall require. In Witness whereof, we have caused the Great Seal of our High Court of Admiralty of *England* to be hereunto affixed. Given at *London* the twentieth Day of *November* in the Year of our Lord one thousand seven hundred and forty-seven, and in the twenty-first Year of our Reign.

SAMUEL HILL, Register.

In-

George R. *Instructions for the Commanders of
 (L.S.) such Merchant Ships and Vessels
 as may have Letters of Marque,
 or Commissions for private Men
 of War against the French King,
 his Vassals and Subjects, or o-
 thers inhabiting within any of his
 Countries, Territories or Domi-
 nions, by Virtue of our Commis-
 sion granted under the Great Seal
 of Great-Britain, bearing Date
 the twenty-ninth Day of March
 1744. Given at our Court at
 St. James's the twenty-ninth Day
 of March 1744, in the seventeenth
 Year of our Reign.*

THAT it shall be lawful for the said Com-
 manders of Merchant Ships and Vessels au-
 thorized by Letters of Marque, or Commissions
 for private Men of War, to set upon by Force of
 Arms, and subdue and take the Men of War,
 Ships, and other Vessels whatsoever; as also the
 Goods, Monies, and Merchandizes, belonging to
 the *French* King, his Vassals and Subjects, and o-
 thers inhabiting within any of his Countries, Terri-
 tories or Dominions, and such other Ships, Vessels,
 and Goods, as are, or shall be liable to Confisca-
 P 2 tion,

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tion, pursuant to the Treaties between us, and other Princes, States, and Potentates: But so as that no Hostility be committed nor Prizes attacked, seized, or taken, within the Harbours of Princes and States in Amity with us, or in their Rivers or Roads within Shot of their Cannon.

II. That all Ships of what Nation soever carrying any Soldiers, Arms, Powder, Ammunition, or any other Contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the *French* King, shall be seized as Prizes.

III. That the said Commanders of such Merchant Ships and Vessels shall bring such Ships and Goods as they have seized, or shall so seize and take, to such Port of this our Realm of *England*, or some other Port of our Dominions as shall be most convenient for them, in order to have the same legally adjudged in our High Court of Admiralty of *England*, or before the Judges of such other Admiralty Court, as shall be lawfully authorized within our Dominions: But if such Prize be taken in the *Mediterranean*, or within the Straights of *Gibraltar*, then the Captor may, if he doth not think fit to bring the same to some Port of *England*, or other our Dominions, carry such Ship and Goods into the Ports of such Princes or States as are in Alliance or Amity with us.

IV. That after such Ship shall be taken and brought into any Port, the Taker or one of his chief Officers, or some other Person present at the Capture, shall be obliged to bring or send, as soon as possible may be, three or four of the principal of the Company (whereof the Master and the Pilot to be always two) of every Ship so brought into Port, before the Judge of the Admiralty of *England*, or his Surrogate, or before the Judge of such other Admiralty Court, within our Dominions, as shall be lawfully authorized as aforesaid, or such as shall be law-

lawfully commissioned in that behalf, to be sworn and examined upon such Interrogatories as shall tend to the Discovery of the Truth, touching the Interest or Property of such Ship or Ships, and of the Goods and Merchandizes found therein : And the Taker shall be further obliged at the Time he produceth the Company to be examined, to bring and deliver into the Hands of the Judge of the Admiralty of *England*, his Surrogate, or the Judge of such other Admiralty Courts within our Dominions, as shall be lawfully authorized, or others commissioned as aforesaid, all such Passes, Sea-Briefs, Charter-Parties, Bills of Lading, Cockets, Letters, and other Documents and Writings as shall be delivered up, or found on board any such Ship; the said Taker, or one of his chief Officers, or some other Person who was present at the Capture, and saw the said Papers and Writings delivered up or otherwise found on board at the Time of the Capture, making Oath, that the said Papers and Writings are brought and delivered in, as they were received or taken, without any Fraud, Addition, Subduction or Embezzlement.

That such Ships, Goods, and Merchandizes, taken by Virtue of Letters of Marque or Commissions for private Men of War, shall be kept and preserved, and no Part of them shall be sold, spoiled, wasted or diminished, and that the Bulk thereof shall not be broken before Judgment be given in the High Court of Admiralty of *England*, or some other Court of Admiralty lawfully authorized in that behalf, that the Ships, Goods and Merchandizes are lawful Prize; and that no Person or Persons taken, or surprized in any Ship or Vessel, as aforesaid, though known to be of the Enemy's Party, shall be in cold Blood killed, maimed, or by Torture or Cruelty inhumanly treated, contrary to the common Usage and just Permission of War;

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and whoever shall offend in any of the Premises, shall be severely punished.

VI.

That the said Commanders of such Merchant Ships or Vessels, who shall obtain the said Letters of Marque or Commissions as aforesaid, for private Men of War, shall not do or attempt any thing against the true Meaning of any Article or Articles, Treaty or Treaties depending between us and any of our Allies, touching the Freedom of Commerce in the Time of War, and the Authority of the Passports, or Certificates under a certain Form in some one of the Articles or Treaties so depending between us and our Allies, as aforesaid, when produced and shewed by any of the Subjects of our said Allies, and shall not do or attempt any thing against our loving Subjects or the Subjects of any Prince or State in Amity with us, nor against their Ships, Vessels or Goods, but only against the *French* King, his Vassals and Subjects, and others inhabiting within his Countries, Territories or Dominions, their Ships, Vessels and Goods, except as before excepted; and against such other Ships, Vessels and Goods, as are or shall be liable to Confiscation.

VII.

That all Captains and Commanders of Ships, who have, or shall have Letters of Marque, or Commissions for private Men of War, are hereby required and enjoined to observe carefully and religiously the Terms of the Treaty Marine, between his late Majesty King *Charles* the Second, and their High Mightinesses the States General of the *United Netherlands*, concluded at *London* the first Day of *December* 1674, Old Style, and confirmed by subsequent Treaties: And they are hereby required to give Security pursuant to the tenth Article of the aforesaid Treaty Marine, for their due Performance thereof.

VIII.

That after Condemnation of any Prize, it shall or may be lawful for the Commanders of such Merchant

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chant Ships or Vessels, or the Owners of the same, to keep such and so many Ships, Vessels, Goods and Merchandizes, as shall be condemned to them, for lawful Prize, in their own Possession, to make Sale or dispose thereof in open Market, or otherwise, to their best Advantage, in as ample manner as at any time heretofore has been accustomed in Cases of Letters of Marque, or of just Prizes in Time of War; other than wrought Silks, Bengals and Stuffs mix'd with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East-India*, or Callicoës painted, dyed, printed or stained there, which are to be deposited for Exportation, according to the Directions of an Act made in the eleventh Year of the Reign of the late King *William* the Third, entitled, *An Act for the more effectual employing the Poor by encouraging the Manufactures of this Kingdom*; and that it shall be lawful for all manner of Persons, as well our Subjects as others, according to Law, to buy the said Ships, Vessels, Goods and Merchandizes, so taken and condemned for lawful Prize, without any Damage or Molestation to ensue thereupon to the said Buyers, or any of them, by reason of the contracting or dealing for the same.

That if any Ship or Vessel, belonging to us or our Subjects, or to our Allies or their Subjects, shall be found in Distress, by being in Fight, set upon, or taken by the Enemy, or by reason of any other Accident, the Captain, Officers, and Company, who shall have such Letters of Marque or Commissions as aforesaid, shall use their best Endeavours to give Aid and Succour to all such Ship or Ships, and shall, to the utmost of their Power, labour to free the same from the Enemy, or any other Distress.

That our Subjects, and all other Persons whatsoever, who shall either in their own Persons serve, or bear any Charge or Adventure, or in any sort

IX.

X.

further or set forward the said Adventure, according to these Articles, shall stand and be freed by Virtue of the said Commission; and that no Person be in any wise reputed or challenged for an Offender against our Laws, but shall be freed, under our Protection, of and from all Trouble and Vexation that might in any wise grow thereby, in the same manner as any other our Subjects ought to be by Law, in their aiding and assisting us, either in their own Persons or otherwise, in a lawful War against our declared Enemies.

XI. That the said Commanders of such Merchant Ships and Vessels, or their Owners or Agents, before the taking out Commissions, shall give Notice in writing, subscribed with their Hands, to our High Admiral of *Great-Britain*, for the Time being, or our Commissioners for executing the Office of our High Admiral, or the Commissioners for executing that Office for the time being, or the Lieutenant or Judge of the said High Court of Admiralty, or his Surrogate, of the Name of their Ship, and of the Tonage and Burthen, and the Names of the Captain, Owners or Setters out of the said Ship, with the Number of Men, and the Names of the Officers in her, and for what Time they are victualled, and also of their Ordnance, Furniture and Ammunition; to the End the same may be registered in the said Court of Admiralty.

XII. That those Commanders of such Merchant Ships and Vessels, who shall have such Letters of Marque, or Commissions as aforesaid, shall hold and keep, and are hereby enjoined to hold and keep a Correspondence, by all Conveniences, and upon all Occasions, from Time to Time, with our High Admiral of *Great-Britain* for the Time being, or our Commissioners for executing the Office of our High Admiral, or the Commissioners for executing that Office for the Time being, or their Secretary, so as from Time to Time to render and give unto him

or them, not only an Account or Intelligence of their Captures or Proceedings, by Virtue of such their said Letters of Marque, or Commissions as aforesaid; but also, of whatsoever else shall occur unto them, or be discovered and declared unto them, or found out by them, by Examination of, or Conference with any Mariners, or Passengers of or in the Ships or Vessels taken, or by any other ways and means whatsoever, touching or concerning the Designs of the Enemy, or any of their Fleets, Ships, Vessels or Parties; and of the Stations, Seas, Ports and Places, and of their Intents therein; and of what Merchant Ships or Vessels of the Enemy, bound out or home, as they shall hear of; and of what else material in these Cases may arrive to their Knowledge, to the End such Course may be there-upon taken, and such Orders given, as may be requisite.

That no Commander of a Merchant Ship, or Vessel who shall have a Letter of Marque or Commission as aforesaid, shall presume (as they will answer it at their Peril) to wear any Jack, Pennant, or any other Ensign or Colour usually borne by our Ships, but that, besides the Colours borne usually by Merchant Ships, they do wear a red Jack, with the Union Jack, described in the Canton, at the upper Corner thereof near the Staff; and that one third Part of the whole Company of every such Ship or Vessel so fitted out as aforesaid, shall be Landmen.

XIII.

That such Commanders of Merchant Ships, and Vessels who shall obtain such Letters of Marque or Commissions as aforesaid, shall also from Time to Time, upon due Notice being given them, observe all such other Instructions and Orders, as we shall think fit to direct, for the better carrying on of this Service.

XIV.

That all Persons who shall violate these Instructions, shall be severely punished, and also required

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to

to make full Reparation to Persons injured, contrary to these Instructions, for all Damages they shall sustain by any Capture, Embezzlement, Demurrage or otherwise.

That before any such Letters of Marque, or Commissions, issue under Seal, Bail with Sureties shall be given before the Lieutenant and Judge of our High Court of Admiralty of *England*, or his Surrogate, in the Sum of three thousand Pounds Sterling, if the Ship carries above one hundred and fifty Men; and if a lesser Number, in the Sum of fifteen hundred Pounds Sterling: Which Bail shall be to the Effect, and in the Form following.

Which Day, Time and Place personally appeared

who submitting themselves to the Jurisdiction of the High Court of Admiralty of *England*, obliged themselves, their Heirs, Executors and Administrators, to our Sovereign Lord the King, in the Sum of _____ Pounds of

lawful Money of *Great-Britain*, to this Effect; that is to say, that whereas

is authorized by Letters of Marque, or a Commission for a private Man of War, to arm, equip, and set forth to Sea the Ship called the _____ of the Burthen of about _____ Tons; whereof he the said _____ goeth Captain, with

Men, Ordnance, Ammunition and Victuals, to set upon by Force of Arms, and to subdue, seize and take the Men of War, Ships and other Vessels whatsoever, together with the Goods, Monies and Merchandizes, belonging to the *French* King, or to any of his Vassals and Subjects, or others inhabiting within any of his Countries, Territories or Dominions whatsoever, and such other Ships, Vessels and Goods, as are, or shall be liable to Confiscation, excepting only within the Harbours or Roads within Shot of the Cannon of Princes and States in Amity with _____

with his Majesty. And whereas he the said

has a Copy of certain Instructions approved of, and passed by his Majesty in Council, delivered to him to govern himself therein, as by the Tenor of the said Commission and of the Instructions there-to relating, more at large appeareth. If therefore nothing be done by the said or any of his Officers, Mariners or Company, contrary to the true Meaning of the said Instructions, but that the Commission aforesaid, and the said Instructions, shall in all Particulars, be well and duly performed and observed as far as they shall the said Ship, Captain and Company, any way concern: And if they or any of them, shall give full Satisfaction for any Damage or Injury which shall be done by them, or any of them, to any of his Majesty's Subjects or Allies, or Neuters, or their Subjects; and also shall duly and truly pay or cause to be paid to his Majesty, or the Customers or Officers appointed to receive the same for his Majesty, the usual Customs due to his Majesty, of and for all Ships and Goods so as aforesaid taken and adjudged for Prize: And moreover, if the said shall not take any Ship or Vessel, or any Goods or Merchandizes belonging to the Enemy, or otherwise liable to Confiscation, through Consent, or clandestinely, or by Collusion, by Virtue, Colour or Pretence of his said Commission; that then this Bail shall be void, and of none Effect; and unless they shall so do, they do all hereby severally consent, that Execution shall issue forth against them, their Heirs, Executors and Administrators, Goods and Chattels, wheresoever the same shall be found, to the Value of the said Sum of Pounds, before mentioned. And, in Testimony of the Truth thereof, they have hereunto subscribed their Names.

By his Majesty's Command,

HOLLES NEWCASTLE.

Ex.

Extracted from the Registry of the
High Court of Admiralty of Eng-
land.

*Instructions for the Commanders of
George R. such Merchant Ships and Vessels
(L.S.) as may have Letters of Marque
or Commissions for private Men
of War against France and
Spain, their Vassals and Sub-
jects, or others inhabiting within
any of their Countries, Territo-
ries, or Dominions, by Virtue of
our Commission granted under the
Great Seal of Great-Britain,
bearing Date the eighteenth Day
of June 1744. Given at Ken-
sington the eighteenth Day of
June 1744, in the eighteenth
Year of our Reign.*

I.

THAT it shall be lawful for the said Com-
manders of Merchant Ships and Vessels au-
thorized by Letters of Marque or Commissions for
private Men of War, to set upon by Force of
Arms, and subdue and take the Men of War,
Ships, and other Vessels whatsoever; as also the
Goods, Monies and Merchandizes, belonging to
France and Spain, their Vassals and Subjects, and
others inhabiting within any of their Countries,
Territories or Dominions, and such other Ships,
Vessels

Vessels and Goods, as are, or shall be liable to Confiscation, pursuant to the Treaties between us and other Princes, States and Potentates; but so as that no Hostility be committed, nor Prize attacked, seized, or taken, within the Harbours of Princes and States in Amity with us, or in their Rivers or Roads, within Shot of their Cannon.

II.

That all Ships carrying any Contraband Goods to *France* and *Spain*, shall be seized as Prize to his Majesty.

III.

That no Goods laden in *Dutch* Ships shall be deemed Contraband, other than such as are declared so to be, by the Treaty Marine, concluded between *England* and *Holland* in the Year 1674.

IV.

That all Captains and Commanders of Ships, who have, or shall have Letters of Marque, or Commissions for private Men of War, are hereby required and enjoined to observe carefully and religiously the Terms of the Treaty Marine, between his late Majesty King *Charles* the Second, and their High Mightinesses the States General of the *United Netherlands*, concluded at *London* the first Day of *December* 1674, Old Style, and confirmed by subsequent Treaties: And they are hereby required to give Security pursuant to the tenth Article of the aforesaid Treaty Marine, for their due Performance thereof.

V.

That all Sorts of Fireworks, and Things there-to belonging, as Cannon, Muskets, Mortars, Petards, Bombs, Grenadoes, Sauciffes, Peckranfen, Carriages, Rests, Bandaliers, Powder, Match, Salt-petre, Bullets, Pikes, Swords, Head-Pieces, Curiaffes, Halberds, Horses, Saddles, Holsters, Belts, Sail-

Sailwork, Rigging, Cables, Cordage, Masts, Lead, Pitch, Tar, Hemp, together with all other Equipage that serves for Sea or Land, laden in *Danish* or *Swedish* Ships, or Ships belonging to neutral Countries, and bound to the Enemies Country, are accounted Contraband Goods.

VI.

That the said Commanders of such Merchant Ships and Vessels shall bring such Ships and Goods as they have seized, or shall so seize and take, to such Port of this our Realm of *England*, or some other Port of our Dominions as shall be most convenient for them; in order to have the same legally adjudged in our High Court of Admiralty of *England*, or before the Judges of such other Admiralty Court, as shall be lawfully authorized within our Dominions: But if such Prize be taken in the *Mediterranean*, or within the Streights of *Gibraltar*, then the Captor may, if he doth not think fit to bring the same to some Port of *England*, or other our Dominions, carry such Ship and Goods into the Ports of such Princes or States as are in Alliance or Amity with us.

VII.

That after such Ship shall be taken and brought into any Port, the Taker or one of his chief Officers, or some other Person present at the Capture, shall be obliged to bring or send, as soon as possible may be, three or four of the principal of the Company (whereof the Master and the Pilot to be always two) of every Ship so brought into Port, before the Judge of the Admiralty of *England*, or his Surrogate, or before the Judge of such other Admiralty Court, within our Dominions as shall be lawfully authorized as aforesaid, or such as shall be lawfully commissioned in that behalf, to be sworn and examined upon such Interrogatories as shall tend
to

to the Discovery of the Truth, touching the Interest or Property of such Ship or Ships, and of the Goods and Merchandizes found therein: And the Taker shall be further obliged at the Time he produceth the Company to be examined, to bring and deliver into the Hands of the Judge of the Admiralty of *England*, his Surrogate, or the Judge of such other Admiralty Courts within our Dominions, as shall be lawfully authorized, or others commissioned as aforesaid, all such Passes, Sea-Briefs, Charter Parties, Bills of Lading, Cockets, Letters, and other Documents and Writings as shall be delivered up, or found on board any such Ship; the said Taker, or one of his chief Officers, or some other Person who was present at the Capture, and saw the said Papers and Writings delivered up, or otherwise found on board at the Time of the Capture, making Oath, that the said Papers and Writings are brought and delivered in, as they were received or taken, without any Fraud, Addition, Subduction, or Embezzlement.

VIII.

That all such Ships, Goods and Merchandizes, taken by Virtue of Letters of Marque or Commissions for private Men of War, shall be kept and preserved, and no Part of them shall be sold, spoiled, wasted, or diminished, and that the Bulk thereof shall not be broken before Judgment be given in the High Court of Admiralty of *England*, or some other Court of Admiralty lawfully authorized in that behalf, that the Ships, Goods and Merchandizes are lawful Prize, or otherwise liable to Confiscation; and that no Person or Persons taken, or surprized in any Ship, or Vessel as aforesaid, though known to be of the Enemy's Party, shall be in cold Blood killed, maimed, or by Torture or Cruelty inhumanly treated, contrary to the common Usage and just Permission of War: And whosoever shall of-

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send in any of the Premisses, shall be severely punished.

IX.

That the said Commanders of such Merchant Ships or Vessels, who shall obtain the said Letters of Marque or Commissions as aforesaid, for private Men of War, shall not do or attempt any thing against the true Meaning of any Article or Articles, Treaty or Treaties, depending between us and any of our Allies, touching the Freedom of Commerce in the Time of War, and the Authority of the Passports, or Certificates under a certain Form in some one of the Articles or Treaties so depending between us and our Allies as aforesaid, when produced and shewed by any of the Subjects of our said Allies, and shall not do or attempt any thing against our loving Subjects, or the Subject of any Prince or State in Amity with us, nor against their Ships, Vessels or Goods, but only against *France* and *Spain*, their Vassals and Subjects, and others inhabiting within their Countries, Territories or Dominions, their Ships, Vessels and Goods, except as before excepted, and against such other Ships, Vessels and Goods, as are or shall be liable to Confiscation.

X.

That after Condemnation of any Prize, taken from *France* or *Spain* as aforefaid, it fhall or may be lawful for the Commanders of fuch Merchant Ships or Veffels, or the Owners of the fame, to keep fuch and fo many Ships, Veffels, Goods and Merchandizes, as fhall be condemned to them for lawful Prize, in their own Poffeffion, to make Sale or difpofe thereof in open Market, or otherwife, to their beft Advantage, in as ample manner as at any time heretofore has been accuftomed in Cafes of Letters of Marque, or of juft Prizes in Time of War; other than wrought Silks, *Bengals*, and
2 Stuffs

Stuffs mixed with Silk or Herba, of the Manufacture of *Persia*, *China*, or *East-India*, or Callicoes painted, dyed, printed or stained there, which are to be deposited for Exportation, according to the Directions of an Act made in the eleventh Year of the Reign of the late King *William* the Third, entitled, *An Act for the more effectually employing the Poor, by encouraging the Manufactures of this Kingdom*: And that it shall be lawful for all manner of Persons, as well our Subjects as others, according to Law, to buy the said Ships, Vessels, Goods and Merchandizes, so taken and condemned for lawful Prize, without any Damage or Molestation to ensue thereupon to the said Buyers, or any of them, by reason of the contracting or dealing for the same.

XI.

That if any Ship or Vessel belonging to us, or our Subjects, or to our Allies or their Subjects, shall be found in Distress, by being in Fight, set upon, or taken by the Enemy, or by reason of any other Accident, the Commander, Officers and Company, who shall have such Letters of Marque or Commissions as aforesaid, shall use their best Endeavours to give Aid and Succour to all such Ship or Ships, and shall to the utmost of their Power, labour to free the same from the Enemy, or any other Distress.

XII.

That our Subjects, and all other Persons whatsoever, who shall either in their own Persons serve, or bear any Charge or Adventure, or in any Sort further or set forward the said Adventure, according to these Articles, shall stand and be freed by Virtue of the said Commission; and that no Person be in any wise reputed or challenged for an Offender against our Laws, but shall be freed under our Protection,

tection, of and from all Trouble and Vexation that might, in any wise grow thereby, in the same manner as any other our Subjects ought to be by Law, in their aiding and assisting us, either in their own Persons, or otherwise in a lawful War against our declared Enemies.

XIII.

That the said Commanders of such Merchant Ships and Vessels, or their Owners or Agents, before the taking out Commissions, shall give Notice in writing, subscribed with their Hands, to our High Admiral of *Great-Britain* for the Time being, or our Commissioners for executing the Office of our High Admiral, or the Commissioners for executing that Office for the Time being, or the Lieutenant or Judge of the said High Court of Admiralty, or his Surrogate, of the Name of their Ship, and of the Tonnage and Burthen, and the Names of the Captains, Owners or Setters out of the said Ship, with the Number of Men, and the Names of the Officers in her, and for what Time they are victualled, and also of their Ordnance, Furniture and Ammunition; to the End the same may be registered in the said Court of Admiralty.

XIV.

That those Commanders of such Merchant Ships and Vessels, who shall have such Letters of Marque or Commissions as aforesaid, shall hold and keep, and are hereby enjoined to hold and keep a Correspondence by all Conveniences, and upon all Occasions, from Time to Time, with our High Admiral of *Great-Britain* for the Time being, or our Commissioners for executing the Office of our High Admiral, or the Commissioners for executing that Office for the Time being, or their Secretary, so as from Time to Time to render and give unto him or them, not only an Account or Intelligence of their
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Captures or Proceedings, by Virtue of such their Letters of Marque or Commissions as aforesaid, but also, of whatsoever else shall occur unto them, or be discovered and declared unto them, or found out by them, by Examination of, or Conference with any Mariners, or Passengers of or in the Ships or Vessels taken, or by any other ways and means whatsoever, touching or concerning the Designs of the Enemies, or any of their Fleets, Ships, Vessels or Parties, and of the Stations, Seas, Ports and Places, and of their Intents therein, and of what Merchant Ships or Vessels of the Enemies bound out or home, as they shall hear of; and of what else material in these Cases may arrive to their Knowledge, to the End such Course may be thereupon taken, and such Orders given as may be requisite.

XV.

That no Commander of a Merchant Ship, or Vessel, who shall have a Letter of Marque or Commission as aforesaid, shall presume, as they will answer it at their Peril, to wear any Jack, Pendant, or any other Ensign or Colour usually born by our Ships, but that, besides the Colours born usually by Merchant Ships, they do wear a red Jack with the Union Jack, described in the Canton at the upper Corner thereof near the Staff; and that one third Part of the whole Company of every such Ship or Vessel so fitted out as aforesaid, shall be Landmen.

XVI.

That such Commanders of Merchants Ships and Vessels, who shall obtain such Letters of Marque or Commissions as aforesaid, shall also from Time to Time, upon due Notice being given them, observe all such other Instructions and Orders as we shall think fit to direct for the better carrying on of this Service.

XVII.

That all Persons who shall violate these Instructions, shall be severely punished, and also required to make full Reparation to Persons injured, contrary to these Instructions, for all Damages they shall sustain by any Capture, Embezzlement, Demurrage or otherwise.

XVIII.

That before any such Letter of Marque or Commission issue under Seal, Bail with Sureties shall be given before the Lieutenant and Judge of our High Court of Admiralty of *England*, or his Surrogate, in the Sum of three thousand Pounds Sterling, if the Ship carries above one hundred and fifty Men, and if a lesser Number, in the Sum of fifteen hundred Pounds Sterling: Which Bail shall be to the Effect, and in the Form following.

Which Day, Time and Place, personally appeared

who submitting themselves to the Jurisdiction of the High Court of Admiralty of *England*, obliged themselves, their Heirs, Executors and Administrators, to our Sovereign Lord the King, in the Sum of _____ Pounds, of lawful Money of *Great-Britain*, to this Effect; that is to say, that whereas _____ is authorized by Letters of Marque, or a Commission for a private Man of War, to arm, equip, and set forth to Sea, the Ship called the _____ of the Burthen of about _____ Tons; whereof he the said _____ goeth Captain, with _____ Men, Ordnance, Ammunition and Victuals, to set upon by Force of Arms, and to subdue, seize and take the Men of War, Ships and other Vessels whatsoever, together with the Goods, Monies and Merchants

chandizes, belonging to *France* and *Spain*, or to any of their Vassals and Subjects, or others inhabiting within any of their Countries, Territories or Dominions whatsoever, and such other Ships, Vessels and Goods, as are or shall be liable to Confiscation, excepting only within the Harbours or Roads, within Shot of the Cannon of Princes and States in Amity with his Majesty. And whereas, he the said

has a Copy of certain Instructions, approved of, and passed by his Majesty in Council, delivered to him to govern himself therein, as by the Tenor of the said Commission, and of the Instructions thereto relating, more at large appeareth. If therefore, nothing be done by the said

or any of his Officers, Mariners or Company, contrary to the true Meaning of the said Instructions, but that the Commission aforesaid, and the said Instructions shall, in all Particulars, be well and duly performed and observed, as far as they shall the said Ship, Captain and Company any way concern: And if they or any of them, shall give full Satisfaction for any Damage or Injury which shall be done by them, or any one of them, to any of his Majesty's Subjects or Allies, or Neuters, or their Subjects; and also shall duly and truly pay or cause to be paid to his Majesty, or the Customers or Officers appointed to receive the same for his Majesty, the usual Customs due to his Majesty, of and for all Ships and Goods, so as aforesaid taken and adjudged for Prize: And moreover, the said

shall not take any Ship or Vessel, or any Goods or Merchandizes, belonging to the Enemies, or otherwise liable to Confiscation, through Consent or clandestinely, or by Collusion, by Virtue, Colour or Pretence of his said Commission; that then this Bail shall be void and of none Effect; and unless they

shall so do, they do all hereby severally consent, that Execution shall issue forth against them, their Heirs, Executors and Administrators, Goods and Chattels, wheresoever the same shall be found, to the Value of the said Sum of Pounds before mentioned. And in Testimony of the Truth thereof, they have hereunto subscribed their Names.

By His Majesty's Command,

HOLLES NEWCASTLE.

Additional Instructions to such Merchant Ships and Vessels as have, or may have Letters of Marque, or Commissions for private Men of War, against France and Spain, their Vassals and Subjects, or others inhabiting within any of their Countries, Territories, or Dominions, by Virtue of our Commission granted under the Great Seal of Great-Britain, bearing Date the eighteenth Day of June 1744. Given at our Court at St. James's the 27th Day of December 1744, in the eighteenth Year of our Reign.

I.

THAT all Captains or commanding Officers of Privateers, do send an Account of, and deliver over what Prisoners shall be taken on board any Prizes, to the Commissioners appointed for the Exchange of Prisoners of War, or the Persons appointed in the Sea Port Towns, to take Charge of Prisoners; and that such Prisoners be subject only to the Orders, Regulations and Directions of the said Commissioners; and that no Commander or other Officer of any Man of War, or private Ship of War, do presume upon any Pretence whatsoever to ransom any *French* or *Spanish* Prisoners.

II.

That no Commander of any Man of War, or Privateer, shall ransom any Ship taken as Prize, when

such Ship may conveniently be brought into some Port of his Majesty's Dominions; and in case any Ship, taken as Prize, shall be ransomed, the Reasons for so doing, and the Condition of such Ransom shall be transmitted to the Judge of the Admiralty, and preparatory Examinations upon the standing Interrogatories shall be taken as in all Cases of Prize, and a Condemnation of such Ransom shall be had, according to the antient Course and Practice of the Admiralty; and in case any Commander of any Privateer or Merchant Ship, having a Letter of Marque, shall act contrary to their several Instructions, such Commander shall forfeit his Commission to all Intents and Purposes, and shall, together with his Bail, be proceeded against according to Law, and be condemned in Costs and Damages.

III.

That all Commanders of Privateers or Merchant Ships, that shall have Letters of Marque, shall by every Opportunity send exact Copies of their Journals to the Secretary of the Admiralty, and proceed to the Condemnation of their Prizes as soon as may be, and without any Delay.

By His Majesty's Command,

HARRINGTON.

George R.

(L.S.)

*An additional Instruction to all
Ships of War and Privateers,
that have, or may have Letters
of Marque against France and
Spain, their Vassals or Subjects,
or others inhabiting within any
of their Countries, Territories or
Dominions. Given at our Court
at St. James's, the 30th Day of
March 1747, in the twentieth
Year of our Reign.*

WHEREAS by all our Instructions to our Men of War, and to the Commanders of such Merchant Ships and Vessels as have obtained Letters of Marque, or Commissions for private Men of War, against *France and Spain*; it has been our Royal Will and Pleasure to command, and we have strictly commanded and enjoined the several Commanders of Men of War and Privateers, not to attempt any thing against the Subjects of any Prince or State in Amity with us, nor against their Ships, Vessels, Goods or Merchandize, but only to take, seize, or destroy the Ships, Vessels, Goods or Merchandize belonging to *France and Spain*, their Vassals and Subjects: And whereas we have had proper Informations, by which it appears that our aforesaid Instructions and Commands have not been duly obeyed; and that, notwithstanding the same, great Irregularities and unjustifiable Violences have been committed by our Privateers, particularly upon the Subjects of the *Sultan of the Ottoman Empire*, by seizing in a hostile and violent Manner their

their Goods and Effects, and misusing their Persons. For the avoiding for the future such Violations of our Instructions and Commands, we strictly charge and enjoin all Ships of War, that they do not, upon any Pretence, molest, detain, or imprison the Persons of any of the Subjects of the *Ottoman* Empire, nor seize, or detain as Prize, their Ships or Effects in the *Levant* Seas, or any other Part of the Ocean, where a proper, regular, and free Trade shall be carried on, under Pain of our highest Displeasure, and such Punishment as by Law may be inflicted. And for the more exact and regular proceeding in the Premises, we hereby order and direct, that no Effects or Merchandizes, taken on board any Enemy's Ship, which shall be claimed by any Subjects of the Grand Signior's, as being their Property, shall be proceeded against for Condemnation in any other Court but the High Court of Admiralty of *England*, nor in that Court until Notice be first given of the said Proceeding to the *Turkey* Company, to the End that Care may be taken that a proper and legal Defence may be made on behalf of the Claimants, Subjects of the Grand Signior.

SAMUEL HILL, Register.

FORM

FORM of a PROTEST from the Capture of a Ship as Prize.

BY this public Instrument of Protest, be it known and manifest to all People, That on the Day of in the Year of our Lord before me *A. B.* Notary Publick, residing in the Town and Borough of in the County of in the Kingdom of *Great-Britain*, by lawful Authority, admitted and sworn personally, appeared *C. D.* Master and Commander of the Good Ship or Vessel called the of in the Kingdom of of the Burthen of Tons or thereabouts, now riding in the *Downs*, or lying at Anchor in the Port of who upon his Faith and Honesty solemnly declared, and for Truth affirmed, and witnessed as followeth (that is to say) that the said Ship did on the Day of Instant, *N. S.* set sail from *Hamburgh*, bound to in laden with, (specifying the Cargo) for *E. F.* a neutral Account; and Yesterday being arrived between *Dover* and *Dungeness* on the *English* Coast, and being under sail for her intended Port, she fell in with an *English* Privateer, called *G. H.* Commander, who having taken from this Attestant his Documents and Papers of all Kinds, seized the said Ship, and brought her this Day into the *Downs*, or into the Port of where he still detains her, and hath caused this Attestant, *his Mate and Boatswain* to be brought on Shore and examined before Commissioners there: And the said Attestant also declared that the said Ship was at the Time of the said Capture in good State and Condition, well fitted and provided for the Performance of her intended

tended Voyage, and was, and is prevented proceeding therein, only by the Capture and Detention of her, by the said Privateer as aforesaid, and by no other Cause whatsoever. By reason of all which Premises, the said Master doth by these Presents make and enter his Protest in due Form against the said Privateer the

her Owners, Captain and Mariners, and all others whom it doth or may concern, of and for all Losses, Costs, Charges, Damages and Delays whatsoever to the said Ship or Lading, her Owners or Freighters, already suffered and sustained, or hereafter to be suffered and sustained by means of her being seized and detained by the said Privateer as aforesaid: To be all allowed and recovered in Time and Place convenient, and these Presents to serve and avail for that Purpose as Occasion shall be or required. Thus was this done and protested in

aforesaid, in the Presence of *I. K.* and *L. M.* Witnesses thereto requested. In Testimony of the Truth whereof, he the said Attestant, and they the said Witnesses have subscribed their Names in the Registry, or Office of me the said Notary; and I the said Notary have hereunto set my Hand and affixed my Seal of Office of a Notary, the Day and Year first above written.

(S.)

A. B. Notary Publick, at

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INTERROGATORIES, concerning whose Right or Property (Prizes taken from the Enemy in Time of War belong) to be first administred before any Distribution can be made.

Standing Interrogatories to be administred on behalf of our Sovereign Lord George the Second, by the Grace of God of Great-Britain, France and Ireland, King Defender of the Faith in his Office of Admiralty to the respective Masters and some of the Mariners and others of the Crew, of all and singular the Ships and Vessels, Goods and Merchandizes seized, or which shall hereafter be seized in the or the Districts thereof, or taken or seized, or which shall hereafter be taken and seized, by any private Man of War, by Virtue of Letters of Marque or Commission of War, or without any Commission; and also of all and singular Ships and Vessels whatsoever recovered from the Enemies of our said Sovereign Lord the King, by any of his Majesty's Ships of War or otherwise, and brought into any Port of the aforesaid Isle or the Districts thereof, or such other Person or Persons from whom the Truth may properly be discovered, relating to the Property of such Ships and Vessels, Goods and Merchandizes seized, or which shall hereafter be seized as aforesaid, follow; to wit,

First, **L**ET the Witnesses be asked, Where was you born, and where have you lived for these seven Years last past? and where do you now live?

live? and how long have you lived in the Place where you now dwell? Are you a Subject to the Crown of *Great-Britain*, or to what Prince or State are you a Subject? and let the Witnesses be asked jointly and severally, and as above.

II.

Item, Let the Witnesses be asked, when and by whom was the Ship and Lading, Goods and Merchandizes, concerning which you are now examined taken and seized, and into what Port were the same carried? Was there any Resistance made or Guns fired against Ship or Persons who seized and took the same? and what, or how many, and by whom? And let the Witnesses be asked jointly and severally, and as above.

III.

Item, Let the Witnesses be asked, was you present at the Time of the taking and seizing the Ship and her Lading, or any Goods and Merchandizes, concerning which you are now examined? or how, and when was you first made acquainted therewith? was the said Ship and Goods taken by a Man of War or a private Man of War? and to whom did such Man of War or private Man of War belong? had they any Commission to act as such, and from whom? and by whom and what particular Ship, or by whom was or were the said Ship, Goods and Merchandizes, seized and taken? and let the Witnesses be asked jointly and severally, and as above.

IV.

Item, Let the Witnesses be asked, upon what Pretence was the said Ship and Lading seized and taken? to what Port or Place was she afterwards carried? has she ever been condemned? upon what Account or for what Reason has she been condemned? and by whom and by what Authority was she so condemned? and let the Witnesses be asked jointly and severally, and as above.

Item,

V.

Item, Let the Witnesses be asked, who by Name was the Master of the Ship or Vessel, concerning which you are now examined, at the Time she was taken and seized? how long have you known the said Master? who first appointed him to be Master of the said Ship, and where did he take Possession thereof, and who by Name delivered the same to him? where is the said Master's fixed Place of Habitation, with his Wife and Family, and how long has he lived there? what Countryman is he by Birth, and to what Prince or State subject? and let the Witnesses be asked jointly and severally, and as above.

VI.

Item, Let the Witnesses be asked, what Number of Mariners belonged to the Ship or Vessel at the Time she was taken and seized? what Countrymen are they, and where did they all come on board? had you the Witness, or any of the Officers or Company of Mariners belonging to the said Ship or Vessel, any Part, Share or Interest in the said Ship or her Lading, or in any of the Goods, concerning which you are now examined? and what in particular, and the Value thereof at the Time the said Ship was so taken, or the said Goods so seized? and let the Witnesses be asked jointly and severally, and as above.

VII.

Item, Let the Witnesses be asked, did you belong to the Ship or Vessel, concerning which you are now examined at the Time she was taken and seized? how long had you known her; when and where did you first see her? of what Burthen is she, and of what Country building? what was her Name, and how long had she been so called? do you know of any other Names she was called by, and what were such Names as you know or have heard? and
let

let the Witnesses be asked jointly and severally, and as above.

VIII.

Item, Let the Witnesses be asked, to what Ports and Places was the said Ship or Vessel, concerning which you are now examined, bound or intended to proceed the Voyage wherein she was taken and seized? To and from what Ports and Places did she sail the said Voyage before she was taken and seized? Where did the Voyage begin, and where was the Voyage to have ended? What Sort of Lading did she carry at the Time of her first setting out on the said Voyage? And what particular Sort of Lading and Goods had she on board at the Time she was so taken and seized? Was the said Ship or Vessel at the Time she was so taken and seized proceeding or intended to proceed upon a lawful, and what particular Trade? Had she at that Time any and what Prohibited Goods on board her? And let the Witnesses be asked jointly and severally, and as above.

IX.

Item, Let the Witnesses be asked, who were the Owners of the Ship or Vessel, concerning which you are now examined, at the Time she was taken and seized? How do you know that they were Owners of the said Ship at that Time? What Nation are they by birth, and where do they live with their Wives and Families? To what Prince or State are they subject? And let the Witnesses be asked jointly and severally, and as above.

X.

Item, Let the Witnesses be asked, was there any Bill of Sale made to the Owners of the said Ship? In what Month or Year, and where, and before what Witnesses was the same made? And when did you the Witness last see it, and what is become there-

thereof? And let the Witnesses be asked jointly and severally, and as above.

XI.

Item, Let the Witnesses be asked, in what Port or Place was the Lading which was on board the Ship, at the Time she was taken and seized, first put on board the said Ship? in what Month and Year, and Quantities, and Particulars thereof? Were the same laden and put on board the said Ship, in one Port and at one Time, or in several Ports and Places, and how many by Name, and at how many several Times, and what Particulars, and what Quantity at each Port? Who by Name were the several Laders or Owners thereof, and what Countrymen are they? where do they now live and carry on their Trade or Business, and of what Religion are they? Where were the said Goods to be delivered, and for whose Account, and to whom by name did they then really belong, and for whom designed, and for what particular Purposes? And let the Witnesses be asked jointly and severally, and as above.

XII.

Item, Let the Witnesses be asked, how many Bills of Lading were signed for the Goods seized on board the said Ship? Were the same colourable, and were any Bills of Lading signed which were of a different Tenor with those which were on board the said Ship at the Time she was taken and seized, and what were the Contents of such other Bills of Lading, and what are become thereof? And let the Witnesses be asked jointly and severally, and as above.

XIII.

Item, Let the Witnesses be asked, what Bills of Lading, Invoices, Letters, or any Instruments, or Writing, or Papers, have you to prove the Property in the Ship and Goods, concerning which you are

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now

now examined? Produce the same, and set forth the particular Times when, and in what Manner, and upon what Account, and for what Consideration, you became possessed thereof? And let the Witnesses be asked jointly and severally, and as above.

XIV.

Item, Let the Witnesses be asked, in what particular Port or Place, and what Degree of Latitude, was or were the Ship and Goods, concerning which you are now examined, taken and seized? At what Time, and upon what Day of the Month, and in what Year, was or were the said Ship and Goods so taken and seized? And let the Witnesses be asked jointly and severally, and as above.

XV.

Item, Let the Witnesses be asked, was there any and what particular Charter-Party signed for the Voyage or intended Voyage, wherein the Ship, concerning which you are now examined, was taken and seized? What is become thereof? When and between whom were the same made? What were the Contents thereof? And let the Witnesses be asked jointly and severally, and as above.

XVI.

Item, Let the Witnesses be asked, what particular Papers, Bills of Lading, Letters, or other Writings, were on board the said Ship at the Time of the seizing of the said Ship, and what is become thereof? And let the Witnesses be asked jointly and severally, and as above.

XVII.

Item, Let the Witnesses be asked, what Loss or Damage have you sustained, by reason of the seizing and taking of the said Ship, Goods, and Merchandizes, concerning which you are now examined?

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To what Value does such Loss or Damage amount?
And how, and after what Manner, do you compute such your Loss and Damage? Have you received or do you expect to receive any, and what Satisfaction, for such Loss and Damage which you have sustained? And when and from whom did you receive, or do you expect to receive, the same? And let the Witnesses be asked jointly and severally, and as above.

(3)
To what Value does such Loss or Damage amount?
And how, and after what Manner, do you estimate
such Loss or Damage? Have you received or do you expect to receive any, and what
Satisfaction, for such Loss and Damage which you
have sustained? And when and from whom did
you receive, or do you expect to receive, the same?
And for the Witness to be signed jointly and severally
and as above.

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SUPPLEMENT.

FRANCE.

IN the Treaty of Navigation and Commerce concluded at *Utrecht*, *March 31*, *Queen Anne.*
O. S. 1713, p. 1, & seqq. add the following Articles: *Lewis XIV.*

ARTICLE II.

That the Commerce and Friendship between the Subjects of the abovesaid Parties may be hereafter secure, and free from all Trouble and Molestation, it is agreed and concluded, that if at any Time any ill Understanding, and Breach of Friendship, or Rupture, should happen between their said Majesties (which God forbid); in such case, the Term of Six Months shall be allowed, after the said Rupture, to the Subjects and Inhabitants, on each Part, residing in the Dominions of the other; in which Term, they themselves may retire, together with their Families, Goods, Merchandizes, and Effects, and carry them whithersoever they shall please: As likewise at the same Time, the selling and disposing of their Goods, both moveable and immoveable, shall be allowed freely, and without any Disturbance; and during the said Term, they shall not be detained by any Arrests, of their Persons, Effects, Goods, or Merchandizes. And further, the Subjects on each Side shall have and enjoy good and speedy Justice, so that they may avail themselves of it, in order to withdraw, within the said Space of Six Months, their Goods and Effects, intrusted as well to the Publick, as to private Persons.

ARTICLE VIII.

Subjects of either Party to enjoy all the Privileges of the most favoured Nations, in the Dominions of the other.

It is established as a general Rule, that all and singular the Subjects of their said Majesties, shall use and enjoy respectively, in all Countries and Places subject to their Power, the same Privileges, Liberties, and Immunities, without any Exception, as fully as the most favoured Nation now doth, or hereafter shall, use and enjoy, in respect to any Rights, Duties, or Impositions, relating to Persons, Merchandise, Effects, Ships, Freight, Seamen, Navigation, and Trade; and that they shall have the same Degree of Favour in all Affairs, as well in those transacted in Courts of Justice, as in those which concern Commerce, or any other Rights.

ARTICLE XXXIII.

The Remains of Shipwrecks, and their Lading, shall be restored to the Proprietors.

Severe Punishment to be inflicted on those who are guilty of Inhumanity.

In Case that either Ships of War, or Merchant-Ships, forced by Storms, or other Misfortunes, on Rocks or Shelves, on the Coasts of the one or the other Party, should there be broken to Pieces and shipwrecked; whatsoever is saved of such Ships, their Apparel, Effects, Merchandise, or the Produce thereof if sold, shall be faithfully restored to the Proprietors, Reclaimers, or their Factors, paying only the Expences of preserving the same, as it shall have been settled on both Sides, in respect to the Rights of Salvage, saving also the Rights and Customs of each Nation; and both their Majesties shall interpose their Authority, that such of the Subjects may be severely punished, who in the like Accidents shall be found guilty of Inhumanity.

N. B. This Treaty of Commerce does not appear to have been renewed by the Treaty of *Aix la Chapelle* in 1748.

IN the Forms of the Passports, &c. here only in *English*, as well as the Form of the Act containing the Oath, and the Form of the Certificates, from p. 12. to p. 15. add the *French* and *Latin*, from the original, as follows.

Formulaire des Passeports et Lettres, qui se doivent donner dans l'amirauté de France aux navires & barques qui en sortiront, suivant l'article 21. du présent traité.

LOUIS Comte de Toulouse Amiral de France,
à tous ceux qui ces presentes lettres verront, salut. Sçavoir faisons, que nous avons donné congé & permission à _____ maitre & conducteur du navire nommé _____ de la ville de _____ du port de _____ tonneux ou environ, étant de present au port & havre de _____ de s'en aller à _____ chargé de _____ après que visitation aura été faite de son navire, avant que de partir, fera serment devant les officiers, qui exercent la juridiction des causes maritimes, comme le dit vaisseau appartient à un ou plusieurs des sujets de sa majesté, dont il sera mis acte au bas des presentes; comme aussi de garder & faire garder, par ceux de son equipage, les ordonnances & reglemens de la marine, & mettre au greffe le rôle, signé & verifié, contenant les noms & surnoms, la naissance & demeure des hommes de son equipage, & de tous ceux qui s'embarqueront, lequel il ne pourra embarquer sans le sçu & permission des officiers de la marine; & en chacun port ou havre ou il entrera avec son navire, fera apparoir aux officiers & juges de la marine du present congé, & leur fera fidele rapport de ce, qui sera fait & passé durant son voyage, & portera les pavillons, armes & enseignes du Roy, & les nôtres, durant son voyage. En temoin de quoi nous avons fait apposer nôtre seing,

& le féel de nos armes à ces présentes, & icelles fait
 contresigner par nôtre secretaire de la marine à
 jour de mille sept cent
 Signé *Louis* Comte de *Tbolause* — & plus bas
 par

Formulaire de l'Acte contenant le Serment.

Nous de l'amirauté de
 maître du navire, nommé au passeport cidessus, a
 prêté le serment mentionné en icelui. Faite à
 le jour de mille sept
 cens

*Formula literarum certificariorum petendarum
 dandarumque à magistratu aut officialibus vec-
 tigalium & teloniorum burgi & portus, in bur-
 gis & portubus suis respectivis, navibus & na-
 vigiis inde vela facientibus, secundum articuli
 vigesimi primi hujus tractatus dispositionem.*

Nos *A. B.* magistratus aut officiales vectigalium
 (aut) teloniorum burgi & portus *C.* certificamus &
 attestamus, quod die mensis anno
 Dom. 17 . personaliter coram nobis comparuit
D. E. de *F.* & solenni jurejurando declaravit,
 Quod navis sive navigium vocat^r *G.* mensurarum,
 quas tunc vocant capax, cujus *H. I.* de *K.* soli-
 tæ habitationis loco est magister sive præfectus, ei
 & aliis etiam serenissimæ regię majestatis dominæ
 nostræ clementissimæ subditis, iisque solis, justo ti-
 tulo propria sit : jam vero de portu *L.* iter desti-
 nasse ad portum *M.* onustam mercibus & mercimo-
 niis hinc infra speciatim descriptis & enumeratis,
 scilicet & prout sequitur viz.

In

In quorum fidem has certificatorias literas signavimus, & sigillo nostri officii sigillavimus. Dabantur die mensis A. D. 17 .

IN the *American Treaty of Peace*, &c. con- Between
cluded at *London November 16, 1686*, from *James II. and*
p. 15. to p. 21, inclusive, after article XVI. (here *Lewis XIV.*
printed by Mistake XVII.) in p. 20. add:

ARTICLE XVII.

If any Differences or Disputes should arise between the Subjects of either King, in the said Islands, Colonies, Ports, Cities, and Governments, under the Dominion of either respectively, whether at Sea or Land, this Peace and good Correspondence shall not thereby be interrupted or infringed; but the said Differences which may happen between the Subjects of the said Kings, shall be adjudged and determined by the Governors of each Jurisdiction respectively, where they shall have arisen, or by them whom they shall depute: and if the said Differences cannot within the Space of one year be determined by the said Governors, they shall transmit the Proceedings with the first Opportunity to the one or the other of the said Kings, that such Differences may be determined according to Justice, in the Manner which shall be agreed upon between their Majesties *.

All Differences between the Subjects of either King to be decided where they have arisen:

But if not determined within a Year, the Proceedings must be transmitted to the one or other of their Majesties.

IN the Treaty of Peace at *Utrecht, March 31, 1713*, p. 21. to p. 23. inclusive, add:

ARTICLE X.†

The Most Christian King shall restore to the *Hudson's Bay* Kingdom and Queen of *Great Britain*, to be possessed in full Right for ever, the Bay and Streights restored to the *English*.

* Article XIX. is in p. 41.

† See Article VII. in p. 40.

of *Hudson*, together with all Lands, Seas, Sea-Coasts, Rivers, and Places, situated in the said Bay and Streights, and which belong thereunto, no Tracts of Land or of Sea being excepted, which are at present possessed by the Subjects of *France*.

A R T I C L E X I X .

But if (which God forbid) the Diffensions which have been composed, should at any Time be renewed, between their said Majesties or their Successors, and break out into open War, the Ships, Merchandizes, and all the Effects both moveable and immoveable, on both Sides, which shall be found to be and remain in the Ports and Dominions of the adverse Party, shall not be confiscated or any way detained or damaged, but the entire Space of Six Months, to be reckoned from the Day of the Rupture, shall be allowed to the said Subjects of each of their Majesties, in which Term they may sell the aforesaid Things, or any other Part of their Effects, or carry and remove them from thence, wherever they please, without any Molestation, and retire from thence themselves.

In the Marine Treaty of *St Germain's*, 24 Feb. 1676-7, p. 23. the Preamble to Article I. omitted there, is inserted in p. 41.

In the Marine Treaty at *St Germain's*, March 29, 1632, all the Articles relating to the Marine are in p. 34 to p. 36. except the VIIIth, which is in p. 43.

In the Treaty of Alliance at *London*, August 29, 1610, all the Articles concerning the Marine are in p. 36. except Article I. which is in p. 44.

In the Treaty of Peace between *Ardes* and *Guines*, June 7th, 1546, in Article III. p. 37 and 38.

to the Memorandum ending, *and* 1478. add, *and* 1483, *and in the subsequent Treaties* 1549-50, 1559, and 1564.

IN the Treaty of Peace at *Ryswick*, September 10, 1697, p. 40. to Article V. add the two following:

A R T I C L E X.

To cut off all Manner of Dispute and Contention which may arise concerning the Restitution of Ships, Merchandises, and other moveable Goods, which either Party may complain to have been taken and detained by the other, in Countries and on Coasts far distant, after the Peace is concluded, and before it is there notified; all Ships, Merchandizes, and other movable Goods, which shall be taken on either Side after the Signing and Publication of the present Treaty, within the Space of Twelve Days, in the *British* and *Northern* Seas; within the Space of Six Weeks, from the said *British* and *Northern* Seas, as far as Cape *St Vincent*; within the Space of Ten Weeks, beyond the said Cape, and on this Side the Equinoctial Line or Equator, as well in the Ocean and *Mediterranean* Sea as elsewhere; lastly, within the Space of Six Months, beyond the Boundaries of the said Line, throughout the whole World; shall belong and remain to the Possessors, without any Exception, or farther Distinction of Time or Place, or any Consideration to be had of Restitution or Compensation.

Times and Distances settled with regard to Ships taken after Peace is concluded, and before it is notified.

A R T I C L E XII.

But if (which God forbid) the Differences now composed between the said Kings, should at any Time be renewed, and break out into open War, the Ships, Merchandises, and all kind of moveable Goods of either Party, which shall be found to be and remain in the Ports and Dominions of the adverse

Six Months allowed for the Removal of Effects in case of a Rupture.

verse Party shall not be confiscated, or in any Manner detained or damaged; but the whole Space of Six Months shall be allowed to the Subjects of both the said Kings, that they may carry away and transport the aforesaid Goods, and any Thing else which is theirs, whithersoever they shall think fit, without any Molestation.

AFTER the Treaty of Peace at *Bredab*, July 21, 1667, in p. 41, 42. containing the Articles II. and IV. add:

The XVIIIth Article makes the same Stipulation, which is expressed too, almost verbatim, in the same Words, with the XIIth Article of the Treaty of *Ryswick*, in 1697.

TO the Act of the Oath taken by the King of *France*, and the Queen-Regent his Mother, &c. dated at *Ruel*, July 3, 1644, after the Words in any Manner, at the Bottom of p. 42. add,

Moreover, we promise to repeat the present Oath, when we shall have attained the Age of Majority, and shall be duly required so to do.

Likewise after the Words, *contravened in any sort*, in p. 43. add:

And we will cause the aforesaid Oath, which the King takes at present, to be by him taken again in due Form, when he shall attain to the Age of Majority.

IN the Treaty of Peace and Alliance at *Susa*, April 24, 1629, in p. 43. after Article I. add:

ARTICLE V.

Ancient Alliances to remain in Force.

All the antient Alliances, as well of the one as of the other Crown, shall remain in Force, without any Alteration made by the present Treaty.

I N

IN the Treaty of Commerce at Paris, May 26, 1606, (misprinted in p. 45. February 24, 1605-6) after Article I. add:

ARTICLE XIV.

It is agreed, that the Liberty of Commerce shall be maintained in the State in which it is at present on both Sides, as well of Goods manufactured as not manufactured, according to the present and preceding Treaties; nor shall it be lawful on either Side to make any Prohibitions against Trade, excepting always contraband Goods, the Transportation of which has been in all Times, and is to this Day, prohibited and forbidden by the Laws of both Kingdoms.

Commerce to be maintained in it's present State.

AFTER the Treaty of Peace and Commerce, April 5, 1515, in p. 47. add:

Treaty of Peace and Commerce between England and France, concluded at Troyes in Champagne, May 21, 1420.

ARTICLE XXVIII.

It is concluded and agreed, that henceforward all Diffensions, Hatred, Rancour, Enmities, and Wars, shall entirely cease between England and France, and the People of those Kingdoms; and that from this Time and for ever, Peace, Tranquillity, Concord, mutual Affection, and firm Friendship, shall subsist and flourish between the said Kingdoms and their Subjects; and the said Kingdoms shall be assisting to each other in Counsel and mutual Aid against any Persons whatsoever, who shall do, or attempt to do, any Violence, Injury, or Damage, to either of the said Kingdoms; and the Subjects of each Kingdom shall have mutual Intercourse and Trade together, freely and securely,

Peace and Amity agreed to.
The Subjects of each Kingdom to have a mutual Intercourse and free Trade.

curely, on Condition that they pay the usual Duties and Customs.

N. B. This is the first perpetual Treaty made with *France*, after the Conquest of that Kingdom by *Henry V. of England*.

IN the Definitive Treaty of Peace at *Aix la Chapelle*, in *October* 1748, antecedent to Art: XVI. in p. 47. insert the two following:

ARTICLE I.

Universal and perpetual Peace between the contracting Powers.

There shall be a Christian, universal, and perpetual Peace, as well by Sea as Land, and a sincere and lasting Friendship between the contracting Powers, their Heirs and Successors, Kingdoms, States, Provinces, Countries, Subjects, and Vassals, of what Rank or Condition soever they may be, without Exception of Places or Persons.

ARTICLE III.

The Treaties of *Westphalia* of 1648; those of *Madrid*, between the Crowns of *England* and *Spain*, of 1667 and 1670; the Treaties of Peace of *Nimeguen*, of 1678 and 1679; of *Ryswick*, of 1697; of *Utrecht*, of 1713; of *Baden*, of 1714; the Treaty of the Triple Alliance of the *Hague*, of 1717; that of the Quadruple Alliance of *London*, of 1718; and the Treaty of Peace of *Vienna*, of 1738; serve as a Basis and Foundation to the general Peace, and to the present Treaty; and for this Purpose, they are renewed and confirmed in the best Form, and as if they were here inserted Word for Word; so that they shall be punctually observed for the Future in all their Tenor, and religiously executed on the one Side and the other; such Points however excepted, as have been derogated from in the present Treaty.

SPAIN.

S P A I N.

IN the Treaty of Peace between *Great Britain* and *Spain* at *Utrecht*, July 2, 1713, in p. 49. after Article VIII. add:

A R T I C L E IX.

It is farther agreed and concluded, as a general Rule, that all and singular the Subjects of each Kingdom shall, in all Countries and Places on both Sides, have and enjoy at least the same Privileges, Liberties, and Immunities, as to all Duties, Impositions, or Customs, whatsoever, relating to Persons, Goods, or Merchandises, Ships, Freight, Seamen, Navigation, and Commerce; and shall have the like Favour in all Things, as the Subjects of *France*, or any other foreign Nation the most favoured, have, possess, or enjoy, or at any Time hereafter may have, possess, or enjoy *.

Subjects of both Parties to have the same Immunities as the Subjects of *France*, or the most favoured Nation.

* See Article XV. in p. 81 and p. 67.

IN the Treaty of Navigation and Commerce at *Utrecht*, November 28, 1713, from p. 49, to p. 61, inclusive, to the *English* Form of the certificatory Letters, in p. 59, add the *Latin* Form, as follows:

Formula literarum certificatarum, quibus urbes & portus maritimi naves & navigia inde solventia dimittant.

Omnibus & singulis ad quos præsentes literæ pervenerint, Nos præfecti consules, aut supremus magistratus, aut teloniorum aut customarum commissarii urbis vel provinciæ N. notum testatumque facimus, quod NN. magister navis N. coram nobis, mediante

mediante solenni juramento, declaravit, navem *N.* dictam tonnarum aut eo circiter capacem, cujus ipse est magister, ad urbis *NN*, incolas in dominiis serenissimi regis *Hispaniarum* jure proprietatis & dominiū pertinere: quoniam autem in justis suis negotiis & itineribus benigne acceptum & accommodatum vellemus, omnes & singulas personas, quibus dictum magistrum vel obviam fieri, vel apud quos illum cum navi sua & mercibus suis appellere aut subsistere contigerit, ut eum benigne admittant, humaniter tractent, eumque ad, in, & per portus, oras, stationes navium, fluvios & dominia, navigare, meare, remeare, & negotiari, prout ipsi visum fuerit, (illo interim vectigalia, aliaque tributa, quæ debebuntur exsolvente) permittant, rogamus; quod nos grato & benevolo animo, prout officiorum vices se obtulerint, agnoscemus. In cujus rei testimonium præsentem litteras manu signavimus, & urbis nostræ sigillo muniri fecimus.

IN the same Treaty, after the Words, *between the two Crowns*, in Article VI. p. 61. add:

Six Months
allowed to
the Subjects
of each Party
to withdraw
their Effects,
after a Decla-
tion of War.

And it is further agreed, that if it should happen (which God prevent) that War should arise and be declared between their Majesties and their Kingdoms, then after the Declaration of such a Rupture, the Space of Six Months shall be allowed to the Subjects of each Party, residing in the Dominions of the other, in which they shall be permitted to withdraw with their Families, Goods, Merchandises, Effects, and Ships, and to transport them, after having paid the due and accustomed Imposts, either by Sea or Land, to whatever place they please; and they shall also be suffered to sell and alien their moveable and immoveable Goods, and freely and without any Disturbance to carry away the Price of them; nor shall their Goods, Wealth, Merchandises, or Effects, much less their Persons, be in the mean

mean Time detained or molested, by any Seizure or Arrest. Moreover, the Subjects on each Side shall, in the mean Time, enjoy and obtain quick and impartial Justice, by means of which they may, before the Expiration of the Six Months, recover the Goods and Effects which they have intrusted, as well to the Publick, as to private Persons.

Subjects on each Side to obtain speedy Justice for the Recovery of their Effects, before the Expiration of Six Months.

TO the Treaty of *Munster* in 1648, after Article VI. in p. 62. add;

ARTICLE XI.

Society, Conversation, and Commerce, among the respective Subjects, shall not be hindered; and if any Hinderances or Impediments happen, they shall be really and effectually removed.

Commerce not to be interrupted.

ARTICLE XX.

The Merchants, Masters of Ships, Pilots, Seamen; their Ships, Merchandises, Commodities, and other Goods belonging to them, shall not be seized and arrested, either by virtue of any general or particular Commission, or for any other Cause whatsoever; nor upon the Account of War, or otherwise; nor even under Pretext of employing them for the Preservation and Defence of the Country. It is not hereby, however, intended to comprehend the Seizures and Arrests of Justice in the ordinary Methods, upon Account of the Debts, proper Obligations, and valid Contracts, of those upon whom such Seizures shall have been made; in which Case Actions and Suits shall be carried on, according to Right and Reason.

Ships, Mariners, Merchandises, &c. of one Party, not to be arrested by the other, except for the Sake of Justice.

IN the Treaty of Peace and Alliance [Commerce] November 15, 1630, from p. 67, to 69, inclusive, Article XVI, XX, and XXIV. are respectively

spectively in p. 125, 82, and 83. but the following is omitted, *viz.*

ARTICLE XVIII.

Subjects of
the one Party
not to assist
the Enemies
of the other,
with Money,
Provisions,
Arms, &c.

And whereas the said Kings solemnly promise, never to give any warlike Assistance to the Enemies of each other; so it is likewise provided, that their Subjects or Inhabitants, of whatever Nation or Quality, shall not, on Pretence of Trade and Commerce, or under any other Colour, assist the Enemies of either Prince, in any Manner; nor furnish them with Money, Provisions, Arms, Engines, Guns, or Instruments, fit for War, or any other warlike Furniture: and they who shall act contrary hereunto, shall be liable to the severest Punishments, and be proceeded against as Covenant-Breakers and seditious Persons.

IN the Treaty of Peace and Alliance [Commerce] at London, August 18, 1604, Article XV. is the same, Word for Word, with Article XXIV. in that of 1630, inserted in p. 83. after which add:

ARTICLE XVI.

Six Months
allowed to
the Subjects
of either Par-
ty, to with-
draw their
Effects in case
of a Rupture.

If it should happen hereafter (which God forbid) that Differences should arise between the said Kings, whereby the Intercourse of Commerce may be in Danger of being interrupted, then the Subjects on both Sides shall be informed of that Matter, and shall be allowed Six Months, from the Time of such Information, to transport their Merchandises; and no Arrest, Interruption, or Damage, of their Persons or Goods, in the mean Time, shall be made or given.

IN the Treaty of Peace and Alliance [Commerce] February 11, 1542, from p. 73 to 76. inclusive, where it is said in the *N. B.* in p. 76. that the Treaty of *Cambray* in 1524 does not now appear

pear to be any where subsisting; the Meaning is, that the Articles I, II, III, V, VI, and XII. of that Treaty, are the same, Word for Word, with the Articles II, III, IV, X, XI, and XIII. of the Treaty in 1542, except an immaterial Difference in Article XII. of the Treaty of 1529; in which the Treaty of 1520 is declared to be and remain in the same State in which it was before the Commencement of the War, and continue in Force as if War had not been declared.

This Treaty of 1529, is the first perpetual Treaty between *England* and *Spain*, after the Union of the Kingdoms of *Castile* and *Arragon*, in the Person of *Charles I.* of *Spain*, afterwards Emperor, under the Title of *Charles V.*

IN the Treaty of Commerce at *Madrid*, December 14, 1715, before Article V. in p. 80. insert:

ARTICLE III.

His Catholick Majesty allows the Subjects of *Great-Britain* to gather Salt in the Island of *Tortu-* British Sub-
jects to take
Salt at Tortu-
dos.
dos, they having enjoyed that Permission in the Time of King *Charles II.* without Interruption.

N. B. In the Treaty of *Aix la Chapelle* in 1748, Article III. recited in the Conclusion of the Treaties between *Great Britain* and *France*, in this Supplement, p. 254. relates also to *Spain*.

TO the Treaties with *Spain*, ending in p. 83. add:

Treaty between Great Britain and Spain, con- George II.
Ferdinand VI.
cluded at Madrid, October 5, 1750.

Article V. is the same with the above recited Article III. of the Treaty in 1715.

ARTICLE VII.

British Subjects to enjoy the same Privileges which they enjoyed before the last War, by royal Cédulas, and by the Treaty of 1667.

The *British* Subjects shall enjoy all the Rights, Privileges, Franchises, Exemptions, and Immunities, whatever, which they enjoyed before the last War, by Virtue of Cédulas or royal Ordinances, and by the Articles of the Treaty of Peace and Commerce made at *Madrid* in 1667; and the said Subjects shall be treated in *Spain* in the same Manner as the most favoured Nation, and consequently no Nation shall pay less Duties upon Wool, and other Merchandises, which they shall bring into or carry out of *Spain* by Land, than the said Subjects shall pay upon the same Merchandises, which they shall bring in or carry out by Sea. And all the Rights, Privileges, Franchises, Exemptions, and Immunities, which shall be granted and permitted to any Nation whatever, shall also be granted and permitted to the said Subjects; and his *Britannick* Majesty consents, that the same be granted to the Subjects of *Spain* in his *Britannick* Majesty's Kingdoms.

ARTICLE IX.

Treaty of Aix la Chapelle, and the Treaty of Commerce at Utrecht, confirmed.

Their *Britannick* and *Catholick* Majesties confirm, by the present Treaty, the Treaty of *Aix la Chapelle*, and all the other Treaties therein confirmed, in all their Articles and Clauses, excepting those which have been derogated from by the present Treaty; as likewise the Treaty of Commerce concluded at *Utrecht* in 1713, those Articles excepted which are contrary to the present Treaty.

The UNITED PROVINCES.

IN the marine Treaty of *London*, December 1, 1674, after Article IX. in p. 91, 92, add:

ARTICLE XII.

And whenever the Ambassadors of the said Revisions. Lords the States, or any other publick Ministers, resident at the Court of His most Serene Majesty of *Great Britain*, shall complain of the Unjustness of Sentences, which may have been given, his Majesty will cause the same to be reviewed and examined in his Council, that it may appear whether the Orders and Precautions prescribed in this Treaty, have been observed, and have had their due Effect; and will also take Care, that the same be fully provided for, and that Right be done to the Party complaining within the Space of Three Months. And likewise when the Ambassadors, or other publick Ministers of his Majesty, resident with the States General, shall complain of the Unjustness of Sentences, the said States will cause a Review and Examination thereof to be made in the Assembly of the *States General*, that it may appear whether the Orders and Precautions prescribed in this Treaty have been observed, and have had their due Effect; and they will likewise take Care, that the same be fully provided for, and that Right be done to the Party complaining, within the Space of Three Months: Nevertheless, it shall not any ways be lawful to sell or unlade the Goods in Controversy, either before the Sentence given or after it, during the Review thereof on either Side, unless it be with the Consent of the Parties interested.

TO the *English* Form of the Passport, in p. 93, 94. add the *Latin*, as follows:

Formula literarum commeatus (vulgo literarum maritimarum) petendarum dandarumque a consulibus civitatum & portuum Uniti Belgii, omnibus navibus navigiisve inde vela facientibus secundum articuli quinti hujus tractatus dispositionem.

SERENISSIMIS, illustrissimis, potentissimis, nobilissimis, spectatissimis, prudentissimis dominis imperatoribus, regibus, rerum publicarum moderatoribus, principibus, ducibus, comitibus, baronibus, dominis consulibus, scabinis, senatoribus, iudicibus, officialibus justitiariis & rectoribus omnium civitatum & locorum, tam ecclesiasticorum quam secularium, quibus hæ exhibebuntur, Nos consules & rectores civitatis notum facimus, magistrum seu præpositum navis se nobis stitisse, & solenni jurejurando affirmasse, dictam navem, cui nomen est mensurarum, quas vulgo *lastas* vocant, plus minus cujus ille hoc tempore magister sive præpositus est, pertinere ad incolas provinciarum *Uniti Belgii*. Ita eum *Deus adjuvet*. Cum autem acceptissimum nobis foret, prædictum magistrum seu præpositum navis in iis, quæ probe justeque ab eo agenda erunt, adjuvari, rogamus vos universos & singulos, ubicunque dictus magister seu præpositus, navem mercesque in ea investas & illatas appellet, velit, jubeatis, eum benigne recipi, humaniter tractari, sub legitimorum consuetorumque vectigalium, ac aliarum rerum solutione admitti, ingredi, manere, egredi portus, flumina, & dominia vestra; & omni modo navigationis, mercatus, commerciorum ac promercalium jure specieque uti, omnibus in locis, quibus hoc ei melius, rectius, visum fuerit; grato animo id rependere vobis paratissimi semper, promptissimique. In
quorum

quorum majorem fidem & testimonium has civitatis nostræ sigillo signari curavimus ; datas
in die anno domini

N. B. The Treaty at *Bredab*, $\frac{21}{31}$ July, 1667, in p. 100. though provisional, has been renewed and confirmed by subsequent Treaties.

IN the Treaty of Peace and Alliance at *Bredab*, of the same Date, after Article XXIX. in p. 105, 106. add:

A R T I C L E X X X I I .

If it shall happen at any Time (which God of his Mercy forbid), that the Differences now composed between his said Majesty, and the said States General, should break out again into open War, it is agreed, that those Ships, Merchandises, or any Kind of Moveables of either Party, which shall be found to be and remain in the Ports, and under the Power, of the adverse Party on either Side, shall not upon that Account be confiscated or detained, but the full Space of Six Months shall be allowed to the Subjects and Inhabitants on both Sides, that they may transport from thence the aforementioned Things, and any Thing else which belongs to them, whither they shall think fit, without any Kind of Molestation.

Six Months allowed for the Removal of Effects, in case of War.

Articles XVIII, XIX, XX, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, and XXXIV, of this Treaty, are Word for Word the same with Articles XII, XIII, XIV, XVII, XVIII, XIX, XX, XXII, and XXVI. which are all that are relative to the Marine; in the Treaty of Peace and Commerce between the Republick of *England* and the States General, concluded at *Westminster*, April 5, 1654 ; the first Treaty between *England* and the States General after 1648, when *Philip IV.*

King of *Spain*, by the Treaty of *Munster*, declared the Seven United Provinces of the Low Countries to be free and sovereign States. In which Treaty of 1654, made when *Oliver Cromwell* was Protector, Article I. is as follows:

Peace and
Friendship.

It is agreed and concluded, that from this Day forward, there be a true, firm, and inviolable Peace; a sincere, intimate, and close Friendship, Affinity, Confederacy, and Union, between the Republick of *England*, and the States General of the United Provinces of the *Netherlands*, and the Lands, Countries, Cities, and Towns, under the Dominion of each, without Distinction of Places, together with their People and Inhabitants, of what Degree soever.

IN the Treaty of Peace and Alliance at *Whitehall*, $\frac{4}{14}$ September, 1667, in p. 107. add:

A R T I C L E XIV.

This Peace
not to be in-
terrupted by
the Subjects
of either Par-
ty.

If it shall happen during this Friendship, Confederacy, and Alliance, that any Thing shall be done or attempted by any of the Subjects or Inhabitants of either Party, against this Treaty, or any Part thereof, by Land, Sea, or fresh Waters; nevertheless, this Amity and Alliance between the said Nations shall not thereby be broken or interrupted, but shall remain and continue in full Force; and only those particular Persons shall be punished, who have committed any Thing against this Treaty, and none else; and Justice shall be rendered, and Satisfaction given, to all Persons concerned, by all those who have committed any Thing contrary to this Treaty by Land or by Sea, or other Waters in any Part of *Europe*, or any Places within the Streights of *Gibraltar*, or in *America*, or upon the Coasts of *Africa*, or in any Lands, Islands, Seas, Creeks, Bays, Rivers; or in any Places on this

The Particu-
lar Persons
offending, and
no others, to
be punished,
and make sa-
tisfaction.

Side

Side the *Cape of Good Hope*, within the Space of a Year after Justice shall be demanded, as aforesaid. But in case the Offenders against this Treaty do not appear and submit themselves to Judgment, and give Satisfaction within the respective Times above expressed, according to the Distance of the Places, they shall be declared Enemies of both Parties; and their Estates, Goods, and Revenues, whatever, shall be confiscated for due and full Satisfaction of the Injuries and Wrongs by them offered; and their Persons also, when they come within the Dominions of either Party, shall be liable to such Punishments as every one shall deserve for his respective Offences.

Offenders not appearing to be declared Enemies, and forfeit their Effects.

AFTER the Treaty of *Breda*, Article IX. ending with the Words, *The Conclusion of the Treaty of 1662*, insert:

Treaty of Friendship and Concord between Great Britain and the States General, for the Renewal and Confirmation of former Treaties, concluded at Westminster, May 27, 1728.

A R T I C L E II.

That this Friendship and Concord may be better preserved, it is agreed and concluded, between the King of *Great Britain* and the *States General*, that all and singular the Treaties of Peace, Friendship, Alliance, Navigation, and Commerce, here under named, shall be approved and confirmed.

HERE follows in the Original, an Enumeration of Treaties, which (except a Confirmation of the Treaty of 1716, and of two more Treaties subsequent to 1716, but not relative to the Marine) is Word for Word the same as the List inserted in the Treaty of 1716, in p. 109, 110.

PORTUGAL.

P O R T U G A L.

TO the Treaty of Peace and Alliance, in 1654, after Article IX. p. 116, 117. add:

A R T I C L E X.

Subjects of
England to
trade freely
to and from
the Territo-
ries of the
King of *Por-
tugal*.

That the People of the Republick of *England* may freely transport in their Ships all Things, Goods, and Merchandises, of what Kind soever they may be, even Arms, Provisions, and other the like Things [*etiam arma, annonem, aliave similia*], from the Ports and Dominions of the said Republick, or from any other Ports and Dominions whatever, provided that they are not exported immediately from the Ports and Dominions of *Portugal*, to any Ports or Territories whatever of the King of *Castile*; and that neither the most serene King of *Portugal* or his Subjects, shall hinder the said Ships, Goods, or Men, by Seizures, Reprials, or any other Cause whatever, from navigating securely to the Ports and Territories of the said King of *Castile*, and from having Commerce therein; and that the People of this Republick may freely import, as well Arms, Corn, Fish, as all other Kinds of Merchandises, into the Kingdoms, Ports, and Territories, of the King of *Portugal*, and sell the same at Pleasure, either in Parcels or in Bulk, to whatever Persons, or for whatever Price, they can obtain; and they shall not be forbidden, circumscribed, or inhibited, by his said royal Majesty, or his Ministers, Governors, Farmers of the Customs, or Monopolists, or by any Chamber or Jurisdiction whatever, private or publick: and that the Goods or Merchandises which have paid the Customs or Imposts, in any of his Majesty's Ports, shall be freely transported into any other Ports or Places whatever of his said Majesty, without

out paying any other or farther Custom, Duty, or Sum of Money, besides that which the *Portuguese* Merchants should pay, if the Goods and Merchandises had belonged to them.

IN the Treaty of Peace and Commerce at *London*, *January* 29, 1641-2, after Article XI. p. 122, 123. insert:

A R T I C L E XVIII.

If it should happen hereafter (which God forbid) that any Difficulties or Doubts should arise between the said Kings, which might give Occasion to apprehend the Interruption of Commerce and Correspondence between their Subjects; publick Advice thereof shall be given to the Subjects of both Sides, in all and every the Kingdoms, States, and Provinces, of both Kings; and after that Notice given, they shall be allowed Two Years on both Sides, to transport their Merchandises and Goods; and in the mean Time, there shall be no Injury or Prejudice done to any Persons or Goods on either Side.

Two Years
allowed, after
Notice given,
to remove
Effects.

N. B. This is the first Treaty with *Portugal*, after that Kingdom, by throwing off it's Subjection to *Spain*, had recovered it's Independency under the Duke of *Braganza*, stiled *John IV.*

EMPEROR, or the AUSTRIAN NETHERLANDS.

IN the Treaty of Peace and Alliance at *Madrid*, *November* 15, 1630, in p. 125, 126, add:

See other general Articles of this Treaty, in p. 68, & seq.

T R E A T Y

TREATY of Peace and Commerce, *August* 18, 1604. To the *N. B.* in p. 128. prefix these Words:

The Substance of the XIIth Article of this Treaty is fully comprehended in the XVIth, XVIIIth, and XXth Articles of the Treaty of 1630; and the other Articles, making no particular Mention of the *Netherlands*, is referred to under *Spain*, p. 70, & seqq.

IN the Treaty at *London*, of 24 *February*, 1495, after Article XV. in p. 130. insert:

A R T I C L E X I X .

Ships taken in the Ports of either Prince to be sued for.

That if any Ship shall be taken in any Port, or within the Liberties of either of the aforesaid Princes, by any Person not subject to the aforesaid Princes; that Prince, in whose Port or Liberties such Ship is taken, shall be obliged, together with the other Prince, to sue for the Restitution of the said Ship, but at the Cost and Expence of the Party injured.

R U S S I A .

IN the treaty of *Petersborough*, *December* 2, 1734, after Article XIV. p. 134, 135. insert:

A R T I C L E X V .

Persons wrecked to be assisted, and the Wrecks preserved.

In case of Wreck on any Part of the Dominions of the contracting Parties, all Sorts of Assistance shall be given to the Unfortunate; no Violence shall be done them, nor shall their Effects saved either by themselves or others, or driven on Shore, be hidden or detained from them; neither shall they be hurt under any Pretext whatever, but they shall

shall be preserved, and the Persons wrecked shall pay what is reasonable for the Assistance given to them, their Ships, and Effects.

IN the Treaty at *Westminster*, June 16, 1623, from p. 136 to 138. inclusive, add:

A R T I C L E VII.

If anie of the Subjectes of either of theis renowned Princes, their Merchaunts, or voluntarie Souldiers, tradinge and serveinge in other Countries, without the Prince's Leave, shall be founde, under Colour of Commerce, or anie Pretexte whatsoever, to carry any Manner of warlike Munitiō to the Enemie, or receave Entertainment with the Enemie, and so happen to be taken in the Warres, that shall not be imputed to the renowned Princes, or held for anie Breach of Contracte, but that the Partie offending shall take the Perill upon his owne Head.

Misbehaviour of Subjects not to be imputed to either Prince.

A R T I C L E XIX.

And if it happen that the Merchauntes or Subjectes of the said renowned Princes shall suffer Wracke uppon the Coastes or within the Rivers of the Dominions of either, whether by Casualtie, Tempest, or other Misfortune whatsoever, in such Case the Goods saved shall be freely restored to the Owners, only allowinge a reasonable Consideration to the People of the Countrey, which shall be aydinge and helpinge in the Recovery thereof *.

Wrecks to be taken Care of and restored to the Owners.

TO the Treaties with this Power, ending in p. 138. add the following:

* The Term of this Treaty has been prolonged by the subsequent Treaties.

George II.
Elizabeth,
Empress.
1742.

Treaty of Alliance between his Britannick Majesty and her Imperial Majesty of all the Russias, signed at Moscow, Decemb. 11, 1742.

Perpetual
Friendship
and Alliance.

ARTICLE I.

There shall be for ever between his Majesty the King of *Great Britain*, and her Imperial Majesty of all the *Russias*, their Heirs and Successors, as also between their Kingdoms, Countries, States, People, and Subjects, every where, as well by Sea as by Land, a faithful, firm, and perpetual Friendship, Alliance, and Union; and they shall on the one Side and on the other, be so far from doing any Injury or Damage to each other, that they shall exert themselves in promoting their mutual Interests, and in maintaining each other reciprocally, in all the Kingdoms, Provinces, States, Rights, Commerce, Immunities, and Prerogatives, whatsoever, which they were possessed of before the Year 1741, or which they may acquire by Treaties.

This Treaty
to continue in
Force 15
Years.

ARTICLE XXI.

Peace, Friendship, and good Understanding, shall last for ever between the high contracting Parties; but as it is usual to fix a certain Time for Treaties of formal Alliance, the said high contracting Parties have agreed, that this shall continue in Force for the Space of Fifteen Years, to be reckoned from the Day of the signing of this Treaty.

Separate ARTICLE I.

Treaty of
1734 to con-
tinue in Force
as long as the
present Trea-
ty.

It is agreed by this Separate Article, that the Treaty of Commerce and Navigation, which was concluded on the 4th of *December*, 1734, between his *Britannick* Majesty, and her Imperial Majesty of the *Russias*, shall be confirmed in all it's Points
and

and Articles, by the present Alliance; and it is now agreed, that it shall remain in Force, and shall be reciprocally observed for the same Time as this Alliance shall last, to be reckoned from the Day of the signing of the Treaty of this Day.

Treaty between his Britannick Majesty, and her Imperial Majesty of all the Russias, signed at St Petersburg, September $\frac{1}{3}$ 9, 1755.

George II.
Elizabeth,
Empress.
1755.

ARTICLE II.

The high contracting Parties renew expressly, The Treaty by this Convention, the Treaty of defensive Alliance concluded between them on the 11th of December, 1742, at Moscow, in all it's Articles.

of 1742 re-
newed.

ARTICLE XIII.

This Convention shall subsist for the Space of Four Years, to be reckoned from the Day when the Ratifications of it shall be exchanged.

This Treaty
to continue in
Force Four
Years.

S W E D E N.

IN the Treaty at Whitehall, October 21, 1661, to the *English* Form of the Passport, in p. 146 to 148. add the *Latin*, as follows:

Formula Literarum Certificatariarum.

NOS NN. gubernator, aut supremus magistratus, aut teloniorum & custumarum commissarii civitatis vel provinciae N. [*apposito titulo aut officio respectivo gubernamenti istius loci*] notum testatumque facimus, quod die mensis anni personaliter coram nobis comparuerint, in civitate aut oppido N. dictionis sacrae regiae majestatis Sueciae, N.N.N. cives & habitantes in N., ac subditi

subditi sacrae regiae majestatis Sueciae, atque sub fide illius juramenti, quo S.R.M. Sueciae, domino nostro clementissimo, & civitati nostrae attinentur & obstricti sunt, nobis declaraverint, quod navis aut navigium *N.* dictum, — lastarum aut tonnarum capax, pertineat ad portum civitatem, aut oppidum *N.* dictionis *N.* quodque dicta navis ejus aut subditorum S.R.M. Sueciae justo titulo propria sit; jam vero de portu *N.* iter vel itinera directe destinasse ad *N.* sequentibus onustam mercibus, viz. [*bic specificentur bona cum quantitate & qualitate eorum e. g. tot circiter plaustra vel involucria, tot circiter dolia, &c. quemadmodum quantitas & conditio mercium fuerit.*] Idemque asseveraverint sub juramento praedicto tantum *N.* ex dictis bonis mercibusque ad subditos S.R.M. Sueciae vel tantum *N.* ad *N.N.N.* [*cujuscunque nationis possessores fuerint, exprimatur*] pertinere; quodque *N.N.N.* sub fide dicti juramenti affirmaverint dicta bona superius specificata, & non alia, esse imposita aut imponenda in praenominatam navem pro dicto itinere; & quod nulla pars eorum bonorum ad alium quenquam pertineat, quam hosce supradictas, neque in illa sub quocunque fictitio nomine alia bona colorata aut celata sint, sed vere & realiter praenominatas merces in usum praedictorum proprietariorum impositas esse, & non aliorum: quodque dictae navis Navarchus nominatus *N.* civis sit civitatis *N.* — Idcirco cum post exactam examinationem nobis supradictis [*gubernatori aut supremo magistratui aut teloniorum aut custumarum commissariis civitatis praedictae*] sufficienter constet, dictam navem aut navigium bonaque imposita libera esse, ac vere & realiter pertinere ad subditos S.R.M. Sueciae, vel aliarum nationum incolas supradictos, ab omnibus proinde ac singulis terrarum, mariumque, potestatibus, regibus, principibus, rebuspublicis ac liberis civitatibus, nec non bellorum ducibus, thalassiararchis, generalibus, officialibus, portuumque praefectis, aliisque omnibus

omnibus quibus custodia aliqua portus aut maris commissa est, quibuscunque navim hanc navigando obviam venire, quorumcunque in classes forte incidere & transire, aut in portibus morari, contigerit, humillime & officiose requirimus, ut ratione foederum & amicitiae, quæ respective unicuique aut superioribus, cujuscunque est, ac cum *S.R.M. Sueciae* rege ac domino nostro clementissimo intercedit, dictum Navarchum cum navi *N.* & personis, rebus, ac mercimoniis ad eandem spectantibus, non modo sine impedimento ac molestiis iter suum libere prosequi permittant, sed etiam si ex dicto portu aliò quovis tendere commodum duxerit, ei tanquam *S.R.M.* subdito, cum navi sua omnia humanitatis officia exhibeant, eadem vicissim a *S.R.M. Sueciae* omnibusque ejus ministris & subditis in pari vel alio casu experturi.

In cujus rei fidem praesentes manu subscriptas civitatis nostrae sigillo muniri curavimus. Dabantur, &c.

N. B. This is the latest Treaty of Commerce subsisting between the Crowns of *England* and *Sweden*; for, although several Treaties have been concluded since the Year 1661, they were all temporary, and are now expired.

IN the Treaty at *London* in 1656, before Article X. in p. 152. insert:

A R T I C L E V I I I.

The Subjects of the Most Serene Lord Protector and the Republick, shall hereafter enjoy all the Prerogatives in the several Branches of Trade, which they used to carry on in *Russia* and *Poland*, or elsewhere in the Dominions of the Most Serene King of *Sweden*, which they enjoyed heretofore in Preference to other Nations; and if at any Time they desire further Privileges, their Desires shall be

T

gratified

Oliver Cromwell, Protector. Christina.

Subjects of *England* to enjoy all their usual Prerogatives.

gratified by all the Means possible: and if the Most Serene King of *Sweden* shall grant greater and more ample Privileges than the abovementioned in *Poland* and *Prussia*, to any Nation besides, or People not subject to him; or shall suffer any Nation or People to enjoy such larger Privileges there; then the People and Citizens of this Republick shall enjoy the same Privileges in all Respects, after they have desired it of his Most Serene Majesty. And moreover, if any Edicts which have been published since 1650, happen to be burdensome to the *English* and *Scots*, dwelling or trading in *Poland* or *Prussia*, the same shall after this Time be of no Force, as far as it shall be in the Power of the King of *Sweden* to prohibit it; but the Subjects of the said Lord Protector shall hereafter be entirely free from those Burdens.

D E N M A R K.

IN the Treaty of Alliance and Commerce at *Westminster*, November 29, 1669, after Article I. p. 157. insert:

A R T I C L E III.

Neither Party
to aid the E-
nemies of the
other, with
Soldiers,
Arms, &c.

The aforesaid Kings, for themselves, their Heirs and Successors, mutually do undertake and promise, that they will not aid or furnish the Enemies of either Party, which shall be Aggressors, with any Provisions of War, as Soldiers, Arms, Engines, Guns, Ships, or other Necessaries, for the Use of War; or suffer any to be furnished by their Subjects. But if the Subjects of either Prince shall presume to act contrary thereunto, then that King whose Subjects shall have so done, shall be obliged to proceed against them with the highest Severity, as against seditious Persons and Breakers of the League.

T O

TO the Form of the *Danish* Passport and Certificate in *English*, inserted in Article XX. in p. 159, 160. add the same in *French*, as follows :

Christian Cinquieme, par la Grace de Dieu Roi de Dennemarc & de Norwege, &c.

SOIT notoire à tous & chacuns, qui nos presentes lettres de passeport verront, que notre sujet & citoien de notre cité de nous a humblement représenté, que le navire nommé du port de tonneaux, lui appartient & à quelques autres de nos sujets, & qu'ils en sont les seuls propriétaires, & qu'il est de present chargé de denrées, qui sont contenuës en un billet des officiers de nos douanes, que le navire a à bord ; & qu'il appartient à nos sujets ou à d'autres interessez, qui sont en neutralité : & est prêt à partir du port de pour aller en tel autre-lieu ou lieux, ou il pourra commodement traffiquer avec les dites marchandises, qui ne sont pas deffenduës, ni appartenantes à l'un ou à l'autre des parties en guerre, ou bien trouver son fret ; ce que nostre dit sujet ayant attesté par escrit signé de son seing, & affirmé par serment, être veritable sous peine de confiscation des dites denrées, nous avons jugé à propos de lui accorder nos presentes lettres des passeport ; & partant nous prions & requerons tous gouverneurs de pays, & commandans par mer, rois, princes, republicques, & villes libres, & particulierement les parties, qui sont presentement en guerre, & leur commandans, admiraux, generaux, officiers, maires de ports, commandans de navires, capitaines, fretteurs, & tous autres, qui ont quelque jurisdiction par mer, ou la garde d'aucun port, qu'il lui arrivera de rencontrer, ou parmi la flotte, ou navires, desquels il lui arrivera de tomber ou demeurer dans leur ports, qu'en vertu de l'alliance & amitie,

amitie, que nous avons avec aucun roy ou estat, ils souffrent le dit maitre avec le navire ^{per-}sonnes, biens, & toutes les marchandises, qui sont sur son bord, pour suivre son voyage vers quelque lieu que ce soit, non seulement avec liberté & sans aucune molestation, detention, ou empêchement, mais encore qu'ils lui rendent tous offices de civilité, comme à nostre sujet, s'il y a occasion ; ceque nous & les nostres serons prêts à reconnoitre en pareille ou autre occasion. Donné le jour de de l'année

Nous le president, consuls & senateurs de la ville de attestons & certifions, que le jour de de l'année est venu & comparu en personne devant nous *N. N.* citoyen & habitant de la cité ou ville de & sous le serment, qu'il est obligé envers le roy nostre souverain seigneur, nous a déclaré, que le navire ou vaisseau, nommé du port de tonneaux, appartient au port, cité au ville de en la province de & qui le dit navire lui appartient justement, & est de present prêt à partir directement du port de chargé des denrées mentionnées au billet, qu'il a reçu des officiers des douanes, & qu'il a affirmé per le serment susdit, que le vaisseau ci dessus nommé avec les denrées & marchandises, dont il est chargé, appartient seulement a sujets de sa majesté, & ne port point de marchandises deffenduës, qui appartient à l'une ou à l'autre des parties, que sont a present enguere.

En temoignage de quoi, nous avons fait signer le present certificat par le syndic de nostre ville, & y avons fait apposer nostre sceau. Donné, &c.

AFTER Article XX. ending in p. 161. add the following :

A R T I C L E XXI.

*British Ships
passing by
Gluckstadt*

That all Ships of Subjects and People of the Kingdom of *Great Britain*, together with their lading

lading and Merchandise, passing by the Port of *Gluckstadt*, or other Places and Towns under the Dominions of the King of *Denmark*, situated upon the River *Elbe*, shall, both going and returning, be free and exempt from all Customs, Imposts, Search, Seizure, and Molestation, except only the Case of Search in the Time of War, when the King of *Denmark* shall be at War with any other King or State.

A R T I C L E XXV.

If the Ships of either of the Allies, and their Subjects and People, whether they are Merchant-Ships or Ships of War, shall happen to run on Ground, or fall upon Rocks, or are forced to lighten themselves, or shall otherwise suffer Shipwreck (which God forbid), upon the Coasts of either King; the aforesaid Ships, with their Tackle, Goods, and Merchandise, or whatever shall be remaining of them, shall be restored to their Owners and Proprietors, provided they or their Agents claim the said Ships and Goods, within the Space of a Year and a Day after such Shipwreck suffered; saving always the Rights and Customs of both Nations. The Subjects also and Inhabitants, dwelling upon the said Coasts and Shores, shall be obliged to come to their Aid in Case of Danger, and as much as in them lies to give their Assistance; and shall do their utmost Endeavour, either for freeing the Ship, or saving the Goods, Merchandise, and Apparel, of the said Ship, and what else of the same they shall be able, and for the conveying the same into some safe Place, in order to be restored to the Owners; they paying Salvage, and giving such Recompence to the Persons, by whose Assistance and Diligence the said Merchandise and Goods shall have been recovered and preserved, as they shall deserve; and finally, both Parties, in Case of such Misfortune, shall cause to be observed on

and other Places upon the *Elbe*, to be free from all Customs and Search.

The Remains of a Shipwreck to be preserved and restored to the Owners.

their Side, what they would desire to be observed and done on the other Side.

A R T I C L E XXVI.

Ships, Commanders of Ships, Mariners, &c. not to be arrested, unless for the Preservation of the Kingdom, or the Sake of Justice.

The Commanders of Ships, or their Pilots, Soldiers, Mariners, and Seamen, as also the Ships themselves, and the Goods and Merchandise on board them, shall not be seized or arrested by any Warrant, either general or special, or for any Cause, unless for the Defence and Preservation of the Kingdom; which yet shall not be understood to be meant of Seizures and Arrests made by Authority of Law, for Debts contracted, or any other legal Cause whatever; in which Case it shall be lawful to proceed according to the Rules of Justice and Law.

A R T I C L E XXXVI.

Sentences concerning Prizes to be given according to Justice.

Both Kings shall take great Care, that Judgment and Sentence concerning Prizes taken at Sea, may be given according to the Rules of Justice and Equity, by Persons not suspected or interested; and being once given by such Judges as aforesaid, they shall strictly charge and require their Officers, and whom it shall concern, to see the same put in due Execution, according to the Form and Tenor thereof.

A R T I C L E XXXVII.

Sentences, if complained of, to be examined in Council.

If the Ambassadors of either King, or any other publick Ministers, residing with the other King, shall happen to make Complaint of any such Sentence, that King to whom Complaint shall be made, shall cause the said Judgment and Sentence to be reheard and examined in his Council, that it may appear whether all Things requisite and necessary have been performed according to the Rules of this Treaty, and with due Caution; and if the contrary hath happened it shall be redressed, which
is

is do be done at the farthest within three Months Time: neither shall it be lawful, either before giving the first Sentence, or afterwards, during the Time of rehearing, to unlade or sell, and alien the Goods in Controversy, unless it is done by Consent of Parties, and to prevent the perishing of the said Goods and Merchandise.

No Goods to be sold 'till the final Sentence is given, unless by Consent, or to prevent Loss.

ARTICLE XL.

Also it is agreed, that if the *Hollanders*, or any other Nation whatsoever (the *Swedish* Nation only excepted), hath obtained already, or shall hereafter obtain, any better Articles, Agreements, Exemptions, or Privileges, than what are contained in this Treaty, from the King of *Denmark*, the same shall be likewise granted to the King of *Great Britain* and his Subjects, effectually and fully, to all Intents and Purposes. And on the other Side, if the *Hollanders*, or any other Nation whatever, hath or shall obtain from his Majesty of *Great Britain*, any better Articles, Agreements, Exemptions, or Privileges, than what are contained in this Treaty, the same and like Privileges shall be granted to the King of *Denmark* and his Subjects also, in most full and effectual Manner *.

The *English* to enjoy the same Privileges as any other Nation, except the *Swedes*.
The *Danes* to enjoy the same Privileges as the *Hollanders*, or any other Nation.

Note, This Treaty was succeeded by that at *Copenhagen*, in July 11, 1670; which, Article for Article, is the same in Substance, and is the latest subsisting Treaty of Commerce between *England* and *Denmark*; for, although another Treaty was made in 1691, it appears to be only provisional, and to have been intended to last no longer than the War should continue between *England* and *France*. *Vid. Corps Dipl. Tom. VII. Part ii. p. 293.*

* See Article XLI. in p. 168.

S A V O Y.

IN the Treaty at *Florence*, September 19, 1669, in p. 169 and 170. insert the following Articles;

A R T I C L E XII.

British Mariners deserting, and entering on Board other Ships, to be returned to their Captain.

Penalties for concealing *British* Mariners.

Concerning the Debts of the Mariners.

All Mariners, Subjects of his Majesty, who, without Leave of their Captain and Master, shall retire and enter on Board of any other Ship or Vessel, on Complaint being made thereof, to the Officer of his Royal Highness, at *Nice*, *Villa Franca*, or *St Salpice*, shall be taken out of the Ship which shall have received them, and they shall be returned to their first Captain or Master. If any Mariner leaves his Captain or Master, and retires to any publick or private House in the said Ports, and shall be hid by the Inhabitants thereof, he shall be taken out of the same by Force, and the Master of the House shall be condemned in the Penalty of Twenty Dollars for every the like Offence. If any Mariner lies on Shore, in any private or publick House, without a Permission in writing signed by his Officer, the Master of the House who harboured him shall be fined Ten Dollars. If any Mariner contracts a Debt with an Inhabitant of the said Ports, or runs in Debt to him farther than for One Dollar, without Permission in writing of the Captain or Master, the Creditor shall lose his Right; but if any Mariner gets any Person who is not a Mariner to answer for his Debt, the Mariner shall go free, but he who answered for him may be detained for the Debt.

A R T I C L E XV.

All Privileges granted in the

It is finally agreed, that all Immunities, Privileges, and Concessions, contained in the general Publication,

Publication, which has been made a free Port by his Royal Highness, and which are not mentioned or specified in the preceding Articles, shall be understood, as expressly mentioned and contained in this present Instrument, for the full and perfect Advantage of his *Britannick* Majesty's Subjects, in all Dispositions and Intentions: and all Immunities, Privileges, or Advantages, which hereafter shall be granted to any other Kingdom or State whatever, all and every one of those Privileges, Immunities, and Advantages, are and shall be as fully, and in all their Circumstances, allowed to the Subjects of his Majesty, as if they had been expressly granted by this Instrument.

general Publication of free Ports, to be enjoyed by the *British* Subjects.

Also all Immunities, which hereafter shall be granted to any other State.

T U R K Y.

IN the Treaty at *Adrianople*, September 1675, after Article XXXVII. p. 173. insert:

A R T I C L E XXXVIII.

In case that the *English* Ships, which come to our City of *Constantinople*, are forced by Dangers at Sea, or by bad Weather, to put in at *Cassa*, or such other Port; so long as the *English* continue on Board, without selling the Commodities and Merchandise, no Person shall do them any Violence, nor give them any Trouble or Hinderance; but in all Places where there is Danger, the *Cadees*, and our other Ministers, shall always defend and protect the said *English* Ships, their Men and Goods, lest they receive any Damage.

English Ships forced into *Cassa*, and such Ports, to be protected.

F E Z and M O R O C C O.

TO the Treaty of Peace and Commerce at *Mequinez*, January 14, 1727-8, in p. 176. add the following Treaties.

1721. *Treaty of Peace between George I. King of Great Britain, and Muli Ismael, Emperor of Morocco, concluded at Fez, January 23, 1721.*

A R T I C L E I.

English to be well used and respected. In order to establish Peace between the Two Powers, both by Land and Sea, and all their respective Dominions, it is agreed, that the *English* may now, and always hereafter, be well used and respected by our Subjects.

A R T I C L E II.

English Ships to have free Ingress and Egress to and from the Emperor's Ports. That all *English* Ships of War and Merchant-Ships, which shall come to any Port of the Emperor's Dominions, to trade or otherwise, and shall have on Board a Cargo, not proper for vending in the Place where they shall come, may depart with the same to any other Port of the Emperor's Dominions, and shall pay Duty but once for the same; and that no Duty at all shall be paid for any Implements of War, such as Fire-Arms, Swords, and any Thing belonging to the Army; as also for Materials of all Kinds for Ship-building: And if any *English* Ship shall arrive at any of the Emperor's Ports, with any Merchandise destined for any other Part of the World, that no Duty shall be paid for such Merchandise, but such Ships shall depart with the same, without any Manner of Molestation. If any *English* Ships shall be thrown upon the

No Duties to be paid for Implements of War.

the Emperor's Coasts by Strefs of Weather, or Ships of either Party in Distress to be protected, otherwise, the same shall be protected, and may safely depart without any ill Usage or Interruption: In like Manner shall be treated the Emperor's Ships, happening to be thus thrown on the Coast of *Great Britain*, or the Dominions thereto belonging.

A R T I C L E III.

That all the *English* Ships and Emperor's Ships, Ships of one may pass and repass the Seas, without Hinderance, Party to give Interruption, or Molestation, from each other; no Interruption to the Ships of the other. nor shall any Money, Merchandise, or any Demand, be made or taken by the Ships of either Power from each other; and if any Subjects of any other Nation shall be on Board either of the *English* or the Emperor's Ships, they shall be safely protected by both Sides.

A R T I C L E IV.

If the Emperor's Ships of War meet with any *English* Ships, and shall want to see their Passports, be inspected they are to send a Boat with Two Men of Fidelity, by Two Persons of Fidelity, to peruse the said Passports, who are to return without any farther Trouble, and then both Sides are to proceed quietly on their respective Voyages; the same Usage shall be received by the Emperor's Merchant-Ships from the *English* Ships of War, who shall allow the Passports made out by the *English* Consul; and if the Consul shall not be present What Passports shall be to make them, then the Passports made out by the *English* Merchants shall be good and valid.

A R T I C L E V.

If the *English* Ships of War, Privateers, or Letter of Marque Ships, shall take Prizes from any Nation with whom they shall be at War, they shall have Liberty to bring and dispose of the same in any *English* allowed to sell their Prizes in the Emperor's Dominions.

any of the Emperor's Dominions, without any Duty or Charge whatever.

A R T I C L E VI.

English Ships, If any *English* Ship shall, by Storm, or in flying driven by from her Enemy, come upon the Emperor's Coasts, Storm or an the same shall be safely protected, and nothing Enemy, to be touched or taken away, but shall be under the Di- protected on rection of the *English* Consul, who shall send the the Emperor's Coasts. Goods and People where he shall think fit.

A R T I C L E VIII.

English Sub- That no *English* Merchants, Captains of Ships, jects not to be or other Person or Persons whatever, who are *Eng-* compelled to *lish* Subjects, shall be forced to sell any of their sell their Goods for less than their real Value; and that no Goods under Value, or to Captain, Master, or Commander, of any *English* Ship, shall be compelled to carry any Goods or carry Goods for others. Merchandises for any Person or Persons whatever; nor shall any Sailor be forced away from any *Eng-* *lish* Ship.

A R T I C L E X.

Six Months If it shall happen that this Peace by any Means for removal, shall be broken, the Consul, and all other *English* in case of Subjects, shall have Six Months Time to remove War. themselves, with their Families and Effects, to any Place they please, without Interruption; and all Debts owing to them shall be justly paid to them.

A R T I C L E XIII.

Spaniards of That not any of the *Spanish*, whether Captains, *Gibraltar and* Sailors, or other Persons, under the *English* Go- *Port-Mahon* vernment, in *Gibraltar* or *Port-Mahon*, shall be to sail freely taken or molested, sailing under *English* Colours, under *English* Colours. with Passports.

A R T I C L E

A R T I C L E X V .

If any Ships of War shall be on the Emperor's Coasts, which are Enemies to the *English*, and any *English* Ship of War, or other *English* Ships, shall happen to be or arrive there also, they shall not in any Manner be hurt or engaged by their Enemy: And when such *English* Ships shall sail, their Enemy's Ships shall not sail under Forty Hours afterwards.

English Ships meeting the Ships of War of an Enemy on the *Morocco* Coasts, such Ships shall not sail 'till Forty Hours after the *English*.

Treaty of Peace between George II. King of Great Britain, and the Emperor of Morocco, concluded December 15, 1734. 1734.

A R T I C L E I I .

If any of the Emperor's Subjects shall be made Slaves, and escape to an *English* Ship of War, or to *Gibraltar*, *Port Mahon*, or any of the *English* Dominions, they shall be protected, and with all convenient Speed sent to their respective Homes: The like Treatment is to be given to the *English*, who shall be Slaves, and escape to any Part of the Emperor's Dominions.

Subjects of either Party to be protected by the other.

Treaty of Peace and Friendship between George II. King of Great Britain, and the Emperor of Morocco, concluded at Fez, January 15, 1750-51. 1750 51.

A R T I C L E I .

For establishing Peace and Friendship, it is agreed and concluded, for firm and valid, both by Land and Sea, in all the Dominions of both Powers, that the *English* in general shall and may, now and all Times hereafter, enjoy and continue in Peace and Friendship with the Emperor and his Subjects,

Peace and Friendship.
and

and be well used and respected by the Emperor's Subjects, agreeably to the Order and Commands of the Emperor.

ARTICLE II.

Rules concerning Passports.

Passports to be shewed.

That such a Number or Quantity of Passports as may be necessary, be transmitted to the Emperor, indented in such a Manner, as shall tally with the Passports which shall be received by the *English* Merchants in *England*; and if an *English* Ship of War meets with any Merchant-Ships belonging to the Emperor, such Merchant-Ships shall be obliged to produce and shew their Passports, given to them by the *English* Consul.

ARTICLE V.

Treaty of 1721 confirmed.

The Fifteen Articles of Peace made and concluded between King *George* the First and *Muli Ismael*, are hereby agreed to and confirmed by his Majesty King *George* the Second, as good and valid, and shall be faithfully kept and observed.

ALGIER S.

TO the End of p. 186. concluding with the Words, Treaty of 1686, add:

Which also, as well as the Treaties confirmed therein, and those of 1682 and 1691, are all comprehended in the Treaty entituled, *Articles of Peace and Commerce between Great Britain and Algiers, concluded at Algiers, June 28, 1698*; which is the same, Article for Article, with that of 1686: but, as the VIth Article is here, p. 183. omitted, we shall supply it, as follows, from the correspondent one of 1698.

ARTICLE

ARTICLE VI.

That no Shipwreck belonging to the said King Subjects of
of *Great Britain*, or to any of his Majesty's Sub- *Great Britain*
jects, upon any of the Coasts belonging to *Algiers*, to be assisted
shall be made or become Prize; and that neither in case of
the Goods thereof shall be seized, nor the Men Shipwreck.
made Slaves; but that all the Subjects of *Algiers*
shall do their best Endeavours to save the said Men
and their Goods.

IN the Treaty of Peace, &c. 17th of *August*,
1700, After Article I. p. 179. insert the fol-
lowing Note.

The VIIIth Article of the Treaty of 1682, here
referred to, is Word for Word the same as the
VIIIth Article of the Treaty of 1686.

IN the Articles of Peace, &c. in *October* [20],
1716, after Article I. in p. 177 and 187. insert:

In the Years 1718 and 1723-4, two other Trea-
ties were made with *Algiers*, but as they contain
nothing more than general Confirmations of Peace,
it is not thought necessary to insert them.

AFTER the Treaty in 1703, p. 188. insert
the following

*Treaty between Great Britain and Algiers, con-
cluded at Algiers, March 18, 1729.*

It is agreed and concluded, that from this Day Former Trea-
and for ever forward, the Peace made by *Arthur ties of Peace*
Herbert, Esq; [in 1682], then Admiral of his confirmed.
Majesty's Fleet, and Sir *William Soames*, Bart.
Ambassador to the Grand Seignior in 1686; with
the additional Articles agreed to with Capt. *Munden*
and

and Consul *Cole*, in 1700; and likewise the farther additional Articles agreed to with *George Byng*, Esq; Rear-Admiral of the Red Squadron of his Majesty's Fleet, in 1703; together with the additional Articles agreed to with Captain *Norbury*, Captain *Eaton*, and *Thomas Thomson*, Esq; his Majesty's Consul, in 1716, be renewed and confirmed in this Treaty with *Philip Cavendish*, Esq; Rear Admiral of the Red Squadron of his Majesty's Fleet, and be kept inviolable, between the Most Serene King of *Great Britain*, and the Most Illustrious Lord the Dey, Bashaw, and Governor, of the City and Kingdom of *Algiers*, and between all the Dominions and Subjects on either Side; and that the Ships and other Vessels, and Subjects and People of either Side, shall not henceforth do to each other any Harm, Offence, or Injury, either in Word or Deed, but shall treat one another with all possible Respect and Friendship.

Additional Article to the Treaties subsisting between Great Britain and Algiers, agreed to at Algiers, June 3, 1751, by the Dey Mahomet and His Britannick Majesty's Plenipotentiaries, the Hon. Augustus Keppel and Ambrose Stannysford, Esq;

Packets and
Express-Boats
bearing his
Britannick
Majesty's
Commission,
to be treated
with the same
Respect as
Ships of War.

That all Packets or Express-Boats, bearing his Britannick Majesty's Commission, which shall be met by any of the Cruizers of *Algiers*, shall be treated with the same Respect as his Majesty's Ships of War, and all due Respect shall be paid to his Majesty's Commission, and both at meeting and parting they shall be treated as Friends. And if any of the Algerine Cruizers commit the least Fault or Violence against them, the Captains or Raizes so offending shall, on their Arrival at *Algiers*, and proper complaint being made of them, be most severely

severely punished, without admitting their Excuses.

T R I P O L I.

THE Treaty of Peace, &c. in 1716, is confirmed and comprehended in a subsequent Treaty of Peace and Commerce, concluded at *Tripoli*, September 19, 1751.

And the Articles I, III, IV, V, VII, VIII, XV, XVI, XVII, XIX, XX, XXIII, XXIV, and XXV, here inserted in p. 188 to p. 193. inclusive, from the former Treaty of 1716, are the same, almost Word for Word, with the Articles I, III, IV, V, VII, VIII, XV, XXII, XVI, XVIII, XXVIII, XXI, and XXX, in the latter Treaty of 1751, except in the following Places: *viz.*

In Article VIII. at the End, are added these Words,

Like as it is at *Algiers*.

Also in Article XV. to the End, are added these Words,

And the same is to be regarded in Favour of the Subjects of *Tripoli*.

Lastly, in Article XXV. instead of the Words, *And all other Matters, &c.* to the End of the Article, are inserted these Words,

And between the Dominions and Subjects of either Side: And our Faith shall be our Faith, and our Word our Word.

U.

BESIDES

BESIDES these, there are in the Treaty of 1751, the following Articles relative to the Marine.

ARTICLE VI.

Ships wrecked on the Coasts of *Tripoli* not to become Prize, or be plundered, but to be assisted.

That no Shipwreck belonging to the said King of *Great Britain*, or to any of his Majesty's Subjects, upon any Part of the Coasts belonging to *Tripoli*, shall be made or become Prize; and that neither the Goods thereof shall be seized, nor the Men made Slaves; but that all the Subjects of *Tripoli* shall do their best Endeavours to save the said Men and their Goods.

ARTICLE XXIV.

British Subjects to enjoy all Privileges granted to the most favoured Nation.

That his *Britannick* Majesty's Subjects, over and above the Stipulations contained in this and all former Treaties, shall enjoy all the Privileges and Advantages which now are, or which hereafter may be, granted to any of the Subjects of the most favoured Nation.

ARTICLE XXV.

No Duty to be paid on the Importation of warlike Stores or Provisions into the Dominions of *Tripoli*.

That in case any of his said Majesty's Subjects, shall import into the said Kingdom of *Tripoli*, or into any of the Ports and Dominions thereunto belonging, any warlike Stores, as Cannon, Muskets, Pistols, Cannon Powder, or fine Powder, Brimstone, Bullets, Iron, Planks, and all Sorts of Timber fit for building Ships; Pitch, Tar, Rosin, Ropes, Cables, Masts, Blocks, Anchors, Sails, and

and all other Habiliments of War, as well by Sea as by Land; as also Provisions, *viz.* Wheat, Barley, Beans, Oats, or the like, they shall not pay any Sort of Duty or Custom whatever.

ARTICLE XXVI.

That new *Mediterranean* Passes shall be issued Rules concerning Passes.
out, and given to his said Majesty's trading Subjects, with all convenient Speed; and that the Time for the Continuance of the old Passes for the Ships in the *Indies*, and remote Parts, shall be three Years; and for all other Ships and Vessels one Year, to commence from the Delivery of the Counter-Tops of the new Passes at *Algiers*; of which his Majesty's Consul here shall give the earliest Notice to the Bashaw and Government. And it is hereby expressly agreed and declared, that the said new Passes shall, during the abovementioned Spaces of Time, of three Years and one Year, be of full and sufficient Force and Effect, to protect all Ships and Vessels of his said Majesty's Subjects, who shall be provided with the same.

ARTICLE XXVIII.

That if at any Time the Garrisons of *Gibraltar* ^{*Gibraltar and*}
or *Port-Mahon* shall be in Want of Provision, and ^{*Port Mahon*}
should send for the same to *Tripoli*, or any Part of ^{to be supplied}
the Dominions thereof, they shall, if it is to be ^{with Provi-}
had, be supplied with it at the Market Price. ^{sions at Mar-}
ket Price.

A R T I C L E XXIX.

Packets having Commissions from his *Britannick* Majesty, to be treated with the same Respect as Ships of War.

That all Packets, bearing his *Britannick* Majesty's Commission, which shall be met by any of the Cruizers of *Tripoli*, shall be treated with the same Respect as his Majesty's Ships of War, and all due Respect shall be paid to his Majesty's Commission; and both at meeting and parting they shall be treated as Friends; and if any of the *Tripoli* Cruizers commit the least Fault or Violence against them, the Captains or Raizes so offending, shall, on their Arrival at *Tripoli*, and on proper complaint being made of them, be most severely punished, without admitting their Excuses.

T U N I S.

THE Treaty of Peace at *Tunis*, *August* 30, 1716, is confirmed and comprehended in a subsequent Treaty at *Tunis*, *October* 19, 1751; and the Articles I, II, III, IV, X, XI, XII, XIII, XV, and XVIII, of the former, are the same in Substance with the correspondent Articles in the latter, except in the following Particulars, *viz.*

TO the beginning of Article I. prefix these Words;

That all former Grivances and Losses, and other Pretences, between both Parties, shall be void and of no Effect.

IN Article XV. instead of what follows the Words, *in any of his Majesty's Ships of War*, insert these Words:

There shall be shot off from the Castles of the *Goletta*, or other the nearest Fortifications belonging to *Tunis*, a Number of Guns, according to Custom, as a royal Salute to his *British* Majesty's Colours; and the same Number shall be returned, in Answer thereto, by his Majesty's Ships.

MOREOVER, besides the Articles here inserted from the Treaty of 1716, there are, in that of 1751, the following Articles relative to the Marine:

A R T I C L E V.

That if any of the Ships of either Party shall, by Accident of foul Weather, or otherwise, be cast away upon any of the Coasts belonging to the other, the Persons shall be free, and the Goods saved and delivered to the Proprietors thereof.

Ships of either Party being wrecked, the Men to be free, and the Goods restored.

A R T I C L E VI.

That the *English* who do at present, or shall at any Time hereafter, inhabit in the City or Kingdom of *Tunis*, shall have free Liberty, when they please, to transport themselves, with their Families and Children, although born in the Country.

The *English* at *Tunis* to have Liberty to remove themselves and Families.

A R T I C L E

ARTICLE XIV.

Slaves of *Tunis*, escaping on Board an *English* Man of War, to be free. That if any Slave of *Tunis* should make his Escape from thence, and get on Board an *English* Man of War, the said Slave shall be free; and neither the *English*, nor any of his Nation, shall in any Manner be questioned about the same.

ARTICLE XIX.

Ships of *Tunis* not to assist the Enemies of Great Britain. That in case a War should happen between his *Britannick* Majesty, and any other State or Nation whatever, the Ships of *Tunis* shall not in any Sort afford Assistance to the Enemies of his Majesty, or his Subjects.

ARTICLE XXII.

Ships of *Gibraltar* or *Minorca*, having proper Passes, and being properly manned, to be treated as *English*. That whereas *Gibraltar* and the Island of *Minorca* do belong to his *Britannick* Majesty *, if it any Time any of the Cruizers of *Tunis* should meet with any Vessels of the said Places under *English* Colours, furnished with proper Passports, they shall be treated in all Respects like other *English* Ships, provided there is no more than one third Part of the Ship's Company, who are not Subjects of his said Majesty; for in such Case they the said Strangers shall be deemed as Prisoners: But it is allowed to embarque as many Merchants or Passengers as they see good, be they of what Nation soever: And if at any Time a *Tunis* Man of War shall take a Ship from their Enemies, on Board of which may happen to be any *English* Subjects, they shall be

* *Minorca* has been taken from us by the *French*, since the making of this Treaty, and is still in their Possession.

immediately

immediately released with all their Goods and Merchandise; provided always, that they are furnished with proper Passports: and this Article is to be observed reciprocally on the Parts of the *English*.

A R T I C L E XXIII.

That if any *British* Ships or Vessels meet with Private Injuries to be redressed, without occasioning a War. any of the Ships or Vessels belonging to the State of *Tunis*, and there should be any Injury or Offence given by either Side, Justice being properly demanded, shall be immediately done, and the Aggressor be severely punished, without occasioning any Breach or War.

The Articles XXV. and XXVI. relate also to the Marine; but these being the same, *verbatim*, as the Articles XXVI. and XXIX. of the preceding Treaty with *Tripoli*, only changing the Word *Tripoli* for *Tunis*, we shall not swell the Book with a needless Repetition of them.

F I N I S.

E R R A T A.

IN the Contents, page ix. line 28. instead of *These not, &c.* read, *These two last Articles not.* P. 18. l. 3. in Article VII. f. stick upon the Sands, r. be cast on Shore. P. 34. l. 17. instead of for the, r. in. P. 38. l. penult. from the Bottom, f. three r. four. Ibid. to l. ult. add, 1483, and in the subsequent Treaties, 1549-50, 1559, and 1564. P. 57. l. 11. In Article XXIV. dele the Word Pots. P. 70. l. 1. f. Alliance r. Commerce. And at the Head of the Article, insert Article VII. P. 113. after l. 3. insert at the Head of the Treaty the Word Preamble. P. 137. l. 15. after the Words and by, insert his Father. Ibid. l. 17. after the Words enlarged to them, insert, by his Majesty of all Russia, and the Holy Patriarch. P. 180. l. 14. f. three r. eight. P. 198. after 1716, add, which also, together with the former, is comprehended in the Treaty of 1751.

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A P P E N D I X.

The Definitive Treaty between his Britannick Majesty, the Most Christian King, and the King of Spain, concluded at Paris 10 February 1763, to which the King of Portugal acceded on the same Day.

A R T I C L E II.

THE treaties of *Westphalia* of 1648; those of *Madrid* between the crowns of *Great Britain* and *Spain* of 1667, and 1670; the treaties of peace of *Nimwegen* of 1678, and 1679; of *Ryswick* of 1697; those of peace and of commerce of *Utrecht* of 1713; that of *Bladen* of 1714; the treaty of the triple alliance of the *Hague* of 1717; that of the quadruple alliance of *London* of 1718; the treaty of peace of *Vienna* of 1738; the definitive treaty of *Aix la Chapelle* of 1748; and that of *Madrid*, between the crowns of *Great Britain* and *Spain*, of 1750; as well as the treaties between the crowns of *Spain* and *Portugal*, of the 13th of *February* 1668; of the 6th of *February* 1715; and of the 12th of *February* 1761; and that of the 11th of *April* 1713; between *France* and *Portugal*, with the guaranties of *Great Britain*; serve as a basis and foundation to the peace, and to the present treaty; and for this purpose they are all renewed and confirmed in the best form, as well as all the treaties in general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that they are to be exactly observed for the future in their whole tenor, and religiously executed on all sides, in all their points, which shall not be derogated from by the present treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence, to subsist, contrary to the treaties above confirmed, except

what shall have been agreed and stipulated by the present treaty.

A R T I C L E IV.

His most Christian majesty renounces all pretensions which he has heretofore formed, or might form to *Nova Scotia*, or *Acadia*, in all its parts; and guaranties the whole of it, and with all its dependencies to the king of *Great Britain*. Moreover, his most Christian majesty cedes, and guaranties to his said *Britannick* majesty, in full right, *Canada*, with all its dependencies, as well as the island of *Cape Breton*, and all the other islands and coasts in the gulph and river of *St. Laurence*, and in general every thing that depends on the said countries, lands, islands, coasts, with the sovereignty, property, possession, and all rights acquired by treaty or otherwise, which the most Christian king, and the crown of *France*, have had, till now, over the said countries, islands, lands, places, coasts, and their inhabitants; so that the most Christian king cedes and makes over the whole to the said king, and to the crown of *Great Britain*, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty, under any pretence, or to disturb *Great Britain* in the possessions above-mentioned.

A R T I C L E V.

The subjects of *France* shall have the liberty of fishing and drying on a part of the coasts of the island of *Newfoundland*, such as is specified in the 13th article of the treaty of *Utrecht*; which article is renewed and confirmed by the present treaty, (except what relates to the island of *Cape Breton*, as well as to the other islands and coasts in the mouth and in the gulph of *St. Laurence*) and his *Britannick* majesty consents to leave the subjects of the most Christian king, the liberty of fishing in the gulph of *St. Laurence*, on condition that the subjects of *France* do not exercise the said fishery, but at the distance of three leagues from all the coasts belonging to *Great Britain*, as well those of the continent, as those of the

the islands situated in the said gulph of *St. Laurence*. And as to what relates to the fishery on the coast of the island of *Cape Breton* out of the said gulph, the subjects of the most Christian king shall not be permitted to exercise the said fishery, but at the distance of 15 leagues from the coasts of the island of *Cape Breton*; and the fishery on the coasts of *Nova Scotia* or *Acadia*, and every where else out of the said gulph, shall remain on the foot of former treaties.

A R T I C L E VI.

The king of *Great Britain* cedes the islands of *St. Pierre* and *Miquelon*, in full right, to his most Christian majesty, to serve as a shelter to the *French* fishermen; and his said Christian majesty engages not to fortify the said islands, to erect no building upon them, but merely for the convenience of the fishery, and to keep upon them a guard of 50 men only for the police.

A R T I C L E VII.

In order to re-establish peace on solid and durable foundations, and to remove for ever all subjects of dispute with regard to the limits of the *British* and *French* territories on the continent of *America*, that for the future, the confines between the dominions of his *Britannick* majesty, and those of his most Christian majesty in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river *Mississippi*, from its source to the river *Iberville*, and from thence, by a line drawn along the middle of this river, and the lake *Maurepas* and *Ponchartrain*, to the sea; and for this purpose, the most Christian king cedes, in full right, and guaranties to his *Britannick* majesty, the river and port of the *Mobile*, and every thing which he possesses, or ought to possess, on the left side the river *Mississippi*, except the town of *New Orleans*, and the island in which it is situated, shall remain to *France*; provided that the river *Mississippi* shall be equally free, as well to the subjects of *Great Britain*, as to those of *France*, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of *New Orleans*,

Orleans, and the right bank of that river, as well as the passages both in and out of its mouth. It is further stipulated, that the vessels belonging to the subjects of either nation, shall not be stopped, visited or subjected to the payment of any duty whatsoever.

A R T I C L E IX.

The most Christian king cedes and guaranties to his *Britannick* majesty, in full right, the islands of *Grenada* and of the *Grenadines*. And the partition of the islands called Neutral, is agreed and fixed, so that those of *St. Vincent*, *Dominica*, and *Tobago*, shall remain, in full right to *Great Britain*; and that that of *St. Lucia* shall be delivered to *France*, to enjoy the same likewise in full right; and the high contracting parties guaranty the partition so stipulated.

A R T I C L E X.

His most Christian majesty cedes in full right, and guaranties to the king of *Great Britain* the river *Senegal*, with the forts and factories of *St. Lewis*, *Podor*, and *Galam*; and with all the rights and dependencies of the said river *Senegal*.

A R T I C L E XVI.

The decision of the prizes made, in the time of peace, by the subjects of *Great Britain*, on the *Spaniards*, shall be referred to the courts of justice of the admiralty of *Great Britain*, conformably to the rules established among all nations, so that the validity of the said prizes, between the *British* and *Spanish* nations, shall be decided and judged according to the law of nations, and according to the treaties, in the courts of justice of the nation who shall have made the capture.

A R T I C L E XVII.

His *Britannick* majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the bay of *Honduras*, and other places of the territory of *Spain* in that part of the world, four months after the ratification of the present treaty: and his Catholic majesty

majesty shall not permit his *Britannick* majesty's subjects, or their workmen, to be disturbed or molested under any pretence whatsoever, in the said places, in their occupation of cutting, loading, and carrying away logwood: and for this purpose, they may build without hindrance, and occupy without interruption, the houses and magazines which are necessary for them, for their families, and for their effects: and his Catholic majesty assures to them, by this article, the full enjoyment of those advantages and powers on the *Spanish* coasts and territories, as above stipulated, immediately after the ratifications of the present treaty.

A R T I C L E XVIII.

His Catholic majesty desists, as well for himself as for his successors, from all pretensions which he may have formed in favour of the *Guipuscoans*, and other his subjects, to the right of fishing in the neighbourhood of the island of *Newfoundland*.

A R T I C L E XX.

His Catholic majesty cedes and guaranties, in full right, to his *Britannick* majesty, *Florida*, with Fort St. *Augustin*, and the bay of *Pensacola*, as well as all that *Spain* possesses on the continent of *North America*, to the east, or to the south-east of the river *Mississippi*; and in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights acquired by treaties and otherwise, which the Catholic king and the crown of *Spain* have had, till now, over the said countries, lands, places, and their inhabitants; so that the Catholic king cedes and makes over the whole to the said king, and to the crown of *Great Britain*, and that in the most ample manner and form.

Treaty of Commerce and Navigation between Great Britain and Russia, concluded at St. Petersburg the 20th day of June 1766.

A R T I C L E I.

THE peace, friendship, and good understanding, which have hitherto happily subsisted between their majesties of *Great Britain* and of all the *Russias*, shall be ratified and confirmed by this treaty; so that from this time forward, and in all time coming, there shall be, between the crown of *Great Britain* on the one hand, and the crown of all the *Russias* on the other, as also between the states, countries, kingdoms, dominions, and territories, that are subject to them, a true, sincere, firm, and perfect peace, friendship, and good understanding, which shall last for ever, and shall be inviolably observed, as well by sea as by land, and on the fresh waters; and the subjects, people, and inhabitants on the one part and on the other, of what state or condition soever they be, shall perform to each other all acts of kindness and assistance possible, and shall not do to one another any hurt or injury whatever.

A R T I C L E II.

The subjects of the two high contracting powers shall have full liberty of navigation and commerce in all the states situated in *Europe*, where navigation and commerce are permitted at present, or shall be permitted hereafter, by the high contracting parties, to any other nation.

A R T I C L E III.

It is agreed, that the subjects of the two high contracting parties shall have leave to enter, trade, and remain with their ships, boats, and carriages, loaded or unloaded, in all the ports, places, and towns, where such leave is granted to the subjects of any other nation; and the sailors, passengers, and ships, as well *British* as *Russian*, (though there should be among their crews subjects of some other foreign nation) shall be received
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and treated as the most favoured nation; and neither the sailors nor passengers shall be forced to enter, against their will, into the service of either of the two contracting powers, excepting, however, such of their subjects, as they may want for their own proper service; and if a domestic or sailor desert his service or his ship, he shall be restored. It is likewise agreed, that the subjects of the high contracting parties shall have leave to purchase, at the current price, all sorts of commodities of which they may stand in need, to repair and refit their ships, boats and carriages; to purchase all kinds of provisions for their present subsistence or their voyage; and to remain or depart at their pleasure, without lett or impediment, provided they conform to the laws and ordinances of the respective states of the high contracting parties where they may happen to be. In like manner the *Russian* ships that are navigating the sea, and are met by *English* ships, shall not be impeded in the course of their voyage, provided, in the *British* sea, they conform to the established practice; but, on the contrary, shall receive from them all kind of assistance, as well in the ports of the dominion of *Great Britain*, as in the open sea.

A R T I C L E IV.

It is agreed, that the subjects of *Great Britain* shall be at liberty to bring, by water or by land, into all, or into such provinces of *Russia*, where freedom of trade is permitted to the subjects of any other nation, all sorts of merchandize or effects, the traffic or entry of which is not prohibited: and in like manner the subjects of *Russia* shall be at liberty to bring, buy, and sell freely, in all, or in such states of *Great Britain* where freedom of trade is permitted to the subjects of any other nation, all sorts of merchandize and effects, the traffic and entry of which is not prohibited; which is also to be equally understood of the manufactures and products of the *Asiatic* provinces, provided this is not actually forbid by some law at present in force in *Great Britain*; comprehending all sorts of merchandize and effects, which

subjects of any other nation may buy there, and transport into other countries, particularly wrought gold and silver, excepting the current coin of *Great Britain*. And in order to preserve a just equality between the *Russian* and *British* merchants, with regard to the exportation of provisions and other commodities, it is further stipulated, that the subjects of *Russia* shall pay the same duties on exportation, that are paid by the *British* merchants on exporting the same effects from the ports of *Russia*; but then each of the high contracting parties shall reserve to itself the liberty of making, in the interior parts of its dominions, such particular arrangement as it shall find expedient for encouraging and extending its own navigation. The *Russian* merchants shall enjoy the same liberties and privileges as the *British* merchants of the *Russian* company enjoy; and, as the design of the two high contracting parties, and the intention of this treaty, is to facilitate the reciprocal commerce of their subjects, and to extend its limits and mutual advantages, it is agreed, that the *British* merchants, trading in the dominions of *Russia*, shall have liberty, in case of death, a pressing exigency, or absolute necessity, when there are no other means of procuring money, or in case of a bankruptcy, to dispose of their effects, whether of *Russian* or foreign merchandize, in such manner as the persons concerned shall find most advantageous. The same thing shall be observed with regard to the *Russian* merchants in the dominions of *Great Britain*. All which, however, is to be understood with this restriction, that every sort of permission, on the one side and on the other, specified in this article, shall not be in any thing contrary to the laws of the country; and the *British*, as well as the *Russian* merchants, and their factors, shall punctually conform to the rights, statutes, and ordinances of the country where they trade, in order to prevent all kind of fraud and imposition. It is for this reason, that the decision of such events, happening to the *British* compting-houses in *Russia*, shall be submitted at *Petersburgh*, to the college of commerce, and in other towns where
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there is no college of commerce, to the tribunals that have the cognizance of commercial affairs.

A R T I C L E V.

It is agreed, that the subjects of *Great Britain*, if they have no rixdollars to pay the customs or other duties for the merchandize which they import or export, shall be allowed to pay them in other foreign coin of a known name and established value, equal to that of the rix-dollar, or in the current coin of *Russia*, the rix-dollar valued at a hundred and twenty-five copecks (or pennies.)

A R T I C L E VI.

All possible assistance and dispatch shall be given to the loading and unloading of ships, as well for the importation as the exportation of commodities, according to the regulations on that head established; and they shall not be in any manner detained, under the penalties denounced in the said regulations. In like manner, if the subjects of *Great Britain* make contracts with any chancery or college whatever, to deliver certain commodities or effects, upon notifying that such commodities are ready to be delivered, and after they shall have been actually delivered at the time specified in these contracts, they shall be received, and immediately thereupon the accounts shall be settled and cleared between the said college or chancery, and the *British* merchants; at the time fixed in the said contracts. The same conduct shall be observed towards the *Russian* merchants in the dominions of *Great Britain*.

A R T I C L E VII.

It is agreed, that the subjects of *Great Britain* may, in all the towns and places of *Russia*, where freedom of trade is permitted to any other nation, pay for the commodities they purchase in the same current coin of *Russia*, which they take for the commodities they sell, unless in their contracts they have stipulated the contrary; and this ought to be equally understood of *Russian* commodities in the dominions of *Great Britain*.

A R T I C L E VIII.

In the places where embarkations are ordinarily made, permission shall be granted to the subjects of the high contracting parties to load their ships and carriages with, and transport by water or by land all such sorts of commodities as they shall have purchased, (with an exception, however, of those whose exportation is prohibited) upon paying the customs, provided these ships and carriages conform to the laws.

A R T I C L E IX.

The subjects of the high contracting parties shall pay no greater duty for the importation or exportation of their commodities, than is paid by the subjects of other nations. Nevertheless, to prevent on both sides the defrauding of the customs, if it should be discovered that commodities have been entered clandestinely, and without paying the customs, they shall be confiscated; but, besides that, no other punishment shall be inflicted upon the merchants on either side.

A R T I C L E X.

Permission shall be granted to the subjects of the two contracting parties to go, come, and trade freely with those states with which one or other of the parties shall at that time, or at any future period, be engaged in war, provided they do not carry military stores to the enemy. From this permission, however, are excepted places actually blocked up, or besieged, as well by sea as by land; but, at all other times, and with the single exception of military stores, the abovesaid subjects may transport to these places all sorts of commodities, as well as passengers, without the least impediment. With regard to the searching of merchant-ships, men of war and privateers shall behave as favourably as the reason of the war, at that time existing, can possibly permit towards the most friendly powers that shall remain neutral; observing, as far as may be, the principles and maxims of the law of nations, that are generally acknowledged.

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A R T I C L E XI.

All cannon, mortars, muskets, pistols, bombs, grenades, bullets, balls, fuses, flint-stones, matches, powder, saltpetre, sulphur, breast-plates, pikes, swords, belts, cartouch-bags, saddles and bridles, beyond the quantity that may be necessary for the use of the ship, or beyond what every man serving on board the ship, and every passenger ought to have, shall be accounted ammunition or military stores; and, if found, shall be confiscated, according to law, as contraband goods, or prohibited commodities; but neither the ships nor passengers, nor the other commodities found at the same time, shall be detained, or hindered to prosecute their voyage.

A R T I C L E XII.

If, what God forbid! the peace should come to be broke between the two high contracting parties, the persons, ships, and commodities, shall not be detained or confiscated; but they shall be allowed, at least, the space of one year, to sell, dispose, or carry off their effects, and to retire wherever they please; a stipulation that is to be equally understood of all those who shall be in the sea or land service: and they shall farther be permitted, either at or before their departure, to consign the effects which they shall not as yet have disposed of, as well as the debts that shall be due to them, to such persons as they shall think proper, in order to dispose of them according to their desire, and for their benefit; which debts the debtors shall be obliged to pay in the same manner as if no such rupture had happened.

A R T I C L E XIII.

In case of a shipwreck happening in any place belonging to one or other of the high contracting parties, not only shall all kind of assistance be given to the unhappy sufferers, and no sort of violence shall be offered to them; but even the effects which they shall have saved themselves, or which they shall have thrown overboard into the sea, shall not be concealed, with-held,
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or damaged, under any pretext whatsoever : on the contrary, the abovesaid effects and commodities shall be preserved and restored to them, upon their giving a moderate recompence to those who shall have assisted them in saving their lives, their ships, and their commodities.

A R T I C L E XIV.

Permission shall be granted to *British* merchants to build, buy, sell, and hire houses in all the territories and towns of *Russia*, excepting, however, with regard to the permission of building and buying houses in those towns of *Russia*, which have particular rights of burghership and privileges inconsistent with such indulgence; and it is expressly specified, that at *St. Petersburg*, *Moscow*, and *Archangel*, the houses which the *British* merchants shall buy, or cause to be built, shall be exempt from all quartering of soldiers, as long as they shall belong to them, and shall be inhabited by them; but, with regard to the houses which they shall hire or let, these shall be subject to all the usual charges of the town; the tenant and landlord settling that matter between them. As to every other town of *Russia*, the houses which they shall purchase, or cause to be built, in the same manner as those which they shall hire or let, shall not be exempted from the quartering of soldiers. Permission shall likewise be granted to *Russian* merchants to build, buy, sell, and let houses in *Great Britain* and *Ireland*, in the same manner as is done by the subjects of the most favoured nations. They shall enjoy the free exercise of the *Greek* religion in their houses, or in such places as are destined for that purpose; and in like manner the *British* merchants shall enjoy the free exercise of the protestant religion. The subjects of either power, established in *Russia* or in *Great Britain*, shall have power to dispose of their estates, and to leave them by will to whomsoever they think proper, following the custom and laws of their own proper country.

A R T I C L E XV.

Passports shall be granted to all *British* subjects, who desire to quit the dominions of *Russia*, two months after they shall have signified their design of departing, without obliging them to give security ; and if, in that time, there appear no just cause for detaining them, they shall be allowed to go ; nor shall they be obliged to apply for that purpose, to any other quarter than to the college of commerce, or to that which may hereafter be established in its place. The same easy methods of departing shall, upon like occasions, and agreeable to the custom of the country, be granted to *Russian* merchants, who want to quit the dominions of *Great Britain*.

A R T I C L E XVI.

British merchants, who shall hire or employ domestics, shall, in this particular, be obliged to conform themselves to the laws of this empire. And *Russian* merchants shall be equally obliged to do the same in *Great Britain*.

A R T I C L E XVII.

In all law-suits and other proceedings, the *British* merchants shall be amenable only to the college of commerce, or to that which shall hereafter be established for the administration of justice between merchants. But, if it should happen that the *British* merchants should have law-suits in any place at a distance from the above-mentioned college of commerce, both they and the adverse party shall prefer their complaints to the magistrate of the said towns, with this proviso, however, that the *British* merchants shall have the right to appeal from the sentence of the magistrate, and to demand that of the college of commerce, if they find themselves aggrieved. The *Russian* merchants in the dominions of *Great Britain*, shall, in their turn, have the same protection and justice, which, according to the laws of that kingdom, are granted to other foreign merchants, and shall be treated as the subjects of the most favoured nation.

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A R T I C L E XVIII.

The *British* merchants in *Russia*, and the *Russian* merchants in *Great Britain*, shall not be obliged to shew their books or papers to any person whatever, unless it be to make proof in the course of justice ; still less shall the said books or papers be taken or detained from them. If, however, the case should happen, that any *British* merchant becomes bankrupt, he shall be amenable at *St. Petersburg* to the college of commerce, or to that which shall hereafter be established for the administration of justice in mercantile affairs, and in other remote towns, to the magistrate of the place ; and he shall be proceeded against according to the laws that are or shall be made for this purpose. Nevertheless, if the *British* merchants, without becoming bankrupts, refuse to pay their debts, whether to the treasury of her Imperial majesty, or to individuals, it shall be lawful to lay an arrest upon part of their effects equivalent to their debts ; and in case these effects should not be sufficient for discharging such debts, they may themselves be arrested and detained in custody, until such time as the greater part of their creditors, as well with respect to number, as to the value of their respective demands, have consented to their enlargement. With regard to their effects laid under arrest, they shall remain as a deposit in the hands of those who shall be named and duly authorised for that purpose, by the greater part of their creditors, as is above specified : which delegates shall be obliged to appraise the effects as soon as possible, and to make a just and fair distribution of them to all the creditors, in proportion to their respective demands. The same procedure shall, in the like cases, be observed towards the *Russian* merchants in the dominions of *Great Britain*, and they shall be there protected agreeably to the regulations made in the preceding article.

A R T I C L E XIX.

In case of complaints and law-suits, three persons of fair and unblemished character among the foreign merchants, shall, with a proper regard to circumstances, be
named

named by the college of commerce, and where there is no such college, by the magistrate, to examine the books and papers of the parties; and the report they shall make to the college of commerce, or to the magistrate, of what they shall find in the said books or papers, shall be held a good proof.

A R T I C L E XX.

The commissioners of the customs shall have the charge of examining the servants or clerks of the *Russian* merchants, when they cause their goods to be entered, whether they have, for that effect, the orders or full powers of the masters; and if they have not such, they shall not be credited. The same conduct shall be observed towards the servants of the *British* merchants. And when the said servants, having the orders or full powers of their masters, shall cause their goods to be entered on account of their masters, these last shall be as responsible as if they themselves had caused them to be entered. All the *Russian* servants employed in the shops shall likewise be registered, and their masters shall answer for them in the affairs of trade, and in the bargains which they make in their name.

A R T I C L E XXI.

In case the *Russian* merchants, who are indebted to the *British* merchants, withdraw from the places of their abode to other parts or districts, the college of commerce, after complaints shall have been made to them on the subject, and proofs of the debts have been adduced, shall cite them three times, allowing them a sufficient space to appear in person; and if they do not appear within the term prescribed, the said college shall condemn them, and send, at the expence of the plaintiff, an express to the governors and waywodes, with orders to put the sentence in execution, and thus shall oblige the debtors to pay the sums specified.

A R T I C L E XXII.

The brokerage shall be settled with justice; and the brokers shall be responsible for the quality of the goods and fraudulent package, and shall be obliged, after sufficient

sufficient proofs produced against them, to make up the losses to which they have given occasion.

A R T I C L E XXIII.

A regulation shall be made to prevent the abuses that may be committed in the package of leather, hemp and flax; and if any dispute happen between the buyer and the feller, concerning the weight or the tare, the commissioners of the customs shall determine it according to equity.

A R T I C L E XXIV.

In order the more effectually to encourage and promote the trade of *Great Britain*, it is agreed, that for the future, the *English* woollen cloths, hereafter specified, shall not pay any greater duties on entry, than are settled in this article, *viz.* *English* cloth, for the use of the soldiery, shall pay (in rixdollars) only two copecs (or pennies) for every arsheen, (or $71\frac{1}{4}$ yards) as a duty on entry; coarse cloth of the county of *York*, known in the *Russian* tariff by the name of *Costrogy*, shall only pay two copecs for every arsheen; broad flannel shall only pay one copec per arsheen; narrow flannel shall only pay three-fourths of a copec per arsheen, all as duties on entry. And in every thing that regards the imposts and duties payable on the importation or exportation of commodities in general, the subjects of *Great Britain* shall be always considered and treated as the most favoured nation.

A R T I C L E XXV.

The peace, friendship, and good understanding, shall continue for ever between the high contracting parties; and as it is customary to fix a certain term to the duration of treaties of commerce, the above-mentioned high contracting parties have agreed, that this treaty shall continue for twenty years, counting from the day of signing; and after the expiration of that term, they may agree upon the means to renew and prolong it.



